

Order Sheet
IN THE HIGH COURT OF SINDH, KARACHI

HCA 331 of 2016

Hassan Ali & Co. Cotton (Pvt) Ltd. Vs. Trading Corporation of Pakistan

Date

Order with signature of Judge

FOR ORDERS ON CMA 1663/2023
Review Application u/s 114, 117 & 151 CPC

17-02-2025

Mr. Muhammad Ali Waris Lari, Advocate for the appellant.

ARSHAD HUSSAIN KHAN, J: Through listed application [CMA No.1663/2023] under Section 114, 117 & 151 Read with Principles of Order XLVII Rule 1 CPC, the appellant seeks review of the order dated 09.02.2023, whereby HCA No.331/2016 was dismissed in limine by imposing cost of Rs.25,000/- on the appellant.

Learned Counsel for the appellant referring to the review application states that while passing the impugned order this Court fell into error as purely on a technical reason this Court opted to dismiss HCA No.331/2016, which was well within the time. Learned counsel has argued that it is the substantive right of the party to go for the rectification in terms of the language of Order XLVII Rule 1 CPC and Sections 114 and 117 CPC. He has argued that the approach of this Court was not only hyper technical but the same is also bad in law as there was absolutely no certified copy in the earlier appeal viz. 319/2016, which was withdrawn through proper orders and hence the impugned order is not tenable in the eye of law and there is an apparent error floating on the surface of the order dated 09.02.2023, which merits to be reviewed and recalled with ample legal justification.

From the record it appears that the appellant has already preferred CPLA against the impugned order, review whereof is sought through the listed application. In view of such position, on the previous dated viz 02.12.2024, the counsel was put on notice to satisfy this Court with regard to maintainability of the listed application. Today, though he made submissions, however, he is

unable to provide any satisfactory reply. It is well settled that the rule of law and judicial process would be seriously undermined if a party simultaneously agitates the same matter before two different courts. This may also result in conflicting decisions. Reliance can be placed in case of *The Election Commission of Pakistan through Secretary and others v. Pakistan Tehreek-e-Insaf through authorized person and others* [PLD 2024 SC 295]. In this view of the matter, present review application is not maintainable.

Besides above, learned counsel for the appellant has not been able to point out any apparent error which is floating on the surface of the record or any ground or a fact which was available on the record and agitated but was not considered by the Court for the purpose of review of the order under Section 114 CPC and/or any other cogent reason, which could warrant any interference to review the impugned order.

In the circumstance, review application is dismissed as being not maintainable and misconceived.

JUDGE