IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

Civil Revision Application No. S-53 of 2003

Before;

Mr. Justice Muhammad Osman Ali Hadi.

Applicants	:	Government of Sindh and others, through Mr. Abdul Waris Bhutto, Assistant A.G.
Respondents	:	Rasool Bux and others, through Mr. Mazhar Ali Bhutto, Advocate.
Date of Hearing	:	26.10.2026
Date of Order	:	26.10.2026.

O R D E R

Muhammad Osman Ali Hadi.- The instant Civil Revision Application has been filed against the Judgment dated 24.03.2003 (**"Impugned Judgment"**) passed in Civil Appeal No. 09 of 2001 before the VII Additional Sessions Judge - Larkana.

2. Learned counsel for the Applicants submits that the Impugned Judgment was passed, dismissing their Appeal. The said Appeal stemmed against a decree passed in F.C Suit No.1441/1999 (**"the Suit"**) by the learned I-Senior Civil Judge - Larkana, in favour of the instant Respondents.

3. This subject matter pertains to a house bearing C.S No.1376 Ward B Tolani Street Larkana (**"the Property"**), for which the Respondents filed the Suit against the instant Applicants, seeking a declaration and possession of the Property.

4. The said Suit was premised upon the facts that the Property was at one point considered Evacuee Property of the Settlement Department, but was transferred/allotted to the predecessor-in-interest of the present Respondents (from whom the

Respondents have derived their title). Admittedly, the matter was previously placed before the Chairman of Evacuee Trust Property Board for deliberation, who had passed an order dated 07.08.1998,[1] determining that the Property was simple Evacuee Property **NOT** Evacuee Trust Property, and therefore the allotment to the predecessor-in-interest was lawful, as the property did not belong to the Trust. No appeal against the said order was filed, therefore the said order attained finality.

5. Subsequently, the predecessor-in-interest of the instant Respondents, namely, Rasool Bux filed the Suit (*mentioned supra.*), which was decreed in his favour.

6. The Judgment passed in the Suit shows that the Trial Court framed eleven issues plus an additional issue, each of which were deliberated upon, after which Judgement and Decree were passed on 12.12.2002 and 14.12.2002 respectively.[2]

7. The Applicants above-named/Government of Sindh (**"GOS"**) filed an Appeal being Civil Appeal No.09/2003 against the Judgment and Decree passed in the Suit, which Appeal was dismissed vide the Impugned Judgment dated 24.03.2003.[3] It is against the Impugned Judgement that the instant Revision Application has been filed.

8. The Impugned Judgement is fairly exhaustive and has taken into account the submissions of the Applicants. Moreover,

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[1] Available at Page No. 87 of the File
[2] Available at Pages 57 and
[3] Available at Page No.25 of the File

Counsel for the Applicants have remained unable to provide any ground for interference in the Impugned Judgment. The only ground taken by the Applicants is that the Chairman Evacuee Trust Property Board was not made party to the Suit at Trial stage. However, I fail to see any relevance with the same. The Chairman Evacuee Trust Property Board had previously passed an order dated 07.08.1998[4],which he was legally competent to do, in a Petition filed under sections 8 and 10 of the Evacuee Trust Property Act 1975 (**"ETP Act 1975"**). No challenged was made to his order, despite such a legal remedy being available under section 17 of the ETP Act 1975. Therefore it can be stated that the said order of the Chairman ETPB had attained finality.

9. Furthermore, the Suit of the Respondents (through their predecessor-in-interest) was against the instant Applicants, not against the Chairman Evacuee Trust Property Board, therefore there was no requirement to make him a party. Even otherwise, if the Applicants had wanted the Chairman ETPB to provide any evidence, they were at liberty to have him summoned for his evidence, which they also chose not do.

10. The pleadings of the Applicants do not show any cogent grounds for filing of this Revision Application. A perusal of the same reflects errors in the Application itself. E.g. GROUND No. 5in the Revision Application states that the Respondents had failed to sue the Province of Sindh (**"POS"**) as a defendant (in the Suit), which statement is entirely incorrectly, as the POS was arrayed as

[4] Chairman's order is available at Page No.87 of the file.

a defendant (which can be evidenced through a mere perusal of the Plaint).[5] Such misstatements create a further doubt on the *bona fide* of the Applicants' motives.

11. The Applicants have further failed to show any jurisdictional defect or other material irregularities with the Impugned Judgements below. There are concurrent findings in favour of the Respondents, despite which the Applicants have kept the Respondents involved in litigation for over twenty-five (25) years.

12. It is trite law that the Civil Revisional Jurisdiction of this Court is limited in scope, and pertains only to blatant material irregularities or jurisdictional issues of the courts below. In *Abdul Khaliq's* [6] case, the Supreme Court opined on the limitations of the Revisional Jurisdiction by holding:

> *"18. Additionally, the revisional Court in its impugned judgment also seems to have not taken into account the limited scope of its jurisdiction under section 115, C.P.C. which is primarily meant for correction of jurisdictional defects in the proceedings or some patent illegality/ irregularity affecting the merits of the case and not merely for substituting and replacing its own findings with the findings of the appellate Court, unless the same were found to be arbitrary, perverse, fanciful and based on misreading or non -reading of material pieces of evidence, which is not the position in the case in hand."*

13. The Applicants have merely asserted generalized allegations that <u>"the Impugned Judgement and Decrees are the result of non-reading and mis-reading of evidence"</u>,[7] without specifying what such alleged mis/non-reading of evidence was?

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[5] Available at page No.91 of the file.
[6] Reliance is placed *2012 SCMR 508*
[7] 'GROUND NO. 1' of the Revision Application, at pg. 9

Mere generalized statements and allegations need to be contemplated carefully, before the same are challenged by way of a Revision Application. In the case of *Pir Shah Abdul Haq v Muhd. Irfan & Ors.*[8] the Supreme Court discussed this issue and (*inter alia*) held:

> *"there is a difference between the misreading, non-reading and misappreciation of the evidence therefore, the scope of the appellate and revisional jurisdiction must not be confused and care must be taken for interference in revisional jurisdiction only in the cases in which the order passed or a judgment rendered by a subordinate Court is found perverse or suffering from a jurisdictional error or the defect of misreading or non-reading of evidence and the conclusion drawn is contrary to law."*

14. The Applicants have failed to identify any grounds for invoking the Revisional Jurisdiction of this Court, and the same appears to be a tactic employed only to extend implementation of the Decree passed in favour of the Respondents. It has long been embodied in our jurisprudence that litigation must come to an end,[9] and should not be unduly prolonged.

15. I have not found the Applicant to be successful in showing any jurisdictional error or material irregularities with the proceedings/Impugned Judgements below. Accordingly, this Revision Application stands dismissed.

JUDGE

Irshad Ali M/ Steno

[8] 2026 SCMR 1019
[9] PLD 2025 SC 567