

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Revision Application No.126 of 2024

Present

Mr. Justice Muhammad Jaffer Raza

Chetan Das Applicant.

Versus

Province of Sindh and others..... Respondents

Mr. Aneel Kumar Sharma, Advocate for the Applicant.

Mr. Taha Abdul Samad, Advocate for Respondent.

Date of Hearing: 13.05.2025

Date of Order: 13.05.2025

ORDER

Instant Civil Revision Application has been preferred against the order dated 30.05.2024 passed in Civil Appeal No.30 of 2023. The said Civil Appeal emanated from the judgement and decree dated 21.09.2023 in First Class Civil Suit No.99/2016. Brief facts of the case are that the above-mentioned Civil Suit, filed by the Applicant, was dismissed vide above mentioned judgment and decree. Thereafter, the Applicant preferred the above-mentioned Civil Appeal in which an application was filed for demarcation of the land. The said application was dismissed vide Impugned order dated 30.05.2024.

2. Learned counsel for the Applicant has argued that the judgment of the learned trial Court dated 21.09.2023, does not record the contention of the Applicant and he is entitled for demarcation of the suit property.

3. Conversely, leaned counsel for the Respondent has stated that instant Revision Application is not maintainable as it has been filed against an application, which was rightfully dismissed, whereas, the matter is still pending before the Appellate Court.

4. I have heard the learned counsel for the parties, perused the record. It is apparent that the above-mentioned Civil Appeal is still pending adjudication and the objections with reference to judgment and decree of the learned trial Court may be taken by the present Applicant before the First Appellate Court. I specifically, asked the learned counsel as to why the application for demarcation could not be filed earlier in the civil suit and whether there was any impediment in the same. Learned counsel conceded that the same was an omission on the part of the counsel, who was earlier appearing before the trial Court. It is held that the same is not a valid ground for the said application to be allowed at the stage of appeal. The arguments of the learned counsel for the Applicant that in reference to judgment of the learned trial Court may be taken at the time of hearing of first appeal, which as noted above, is pending adjudication.

5. In the light of what has been held above, instant Revision Application stands dismissed, however, with the direction to the Appellate Court to decide the appeal of the Applicant within sixty (60) days from today.

J U D G E

Nadeem