

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

CP D 531 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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**18.08.2025**

Mr. Faiz Muhammad M. Larik, advocate for the applicant present on video link.

Mr. Sarfaraz Ali Abbasi, advocate for the respondent present on video link.

The petition was filed at Larkana by two individuals seeking appointment at Shaheed Mohtarama Benazir Bhutto Medical University Larkana. The petition also sought cancellation of appointments already made in the educational institution, however, the persons whose livelihoods were sought to be nullified were not even impleaded as respondents. The petition was dismissed vide order dated 23.02.2022, which read as follows:

“The petitioners seek issuance of appointment orders thereto and cancellation of any appointments made by the respondents 3 till 8. Learned counsel was confronted with respect to the maintainability hereof inter alia as the persons whose appointment are required to be cancelled have not been impleaded as respondents and even otherwise no vested right has been demonstrated in respect of the petitioners to be appointed. Learned counsel remained unable to provide any justification in such regard. Furthermore, the counsel was asked as to whether the respondent had any statutory rules so as to merit the interference of this court in recruitment matters. Learned counsel pleaded his ignorance in such regard and submitted that no such rules are available on file or therewith. In view hereof, it is apparent that this petition is misconceived, hence, is hereby dismissed.”

Almost ten months later another counsel preferred this application, CMA 3572 of 2022, seeking review of the aforesaid order. While it is settled law that review of an order is ordinarily to be placed before the same bench, however, a different bench was pleased to issue notice of the application on 14.12.2022. Such notice was issued irrespective of the fact that while the impugned order was dated 23.02.2022, the application was presented on 10.12.2022, hence, *prima facie* time barred.

Be that as it may, the application was heard today and the learned counsel for the applicants remained unable to articulate a single cogent ground in support thereof. The jurisdiction of this Court in review

proceedings is limited to the ambit of Section 114 read with Order 47 CPC. There was absolutely no effort by the applicants' learned counsel to identify any mistake or error apparent on the face of the record or any other sufficient reason justifying a review of the Order.

The sole argument presented was that a petition ought to be adjudicated on merit and not dismissed on a mere technicality of maintainability. Respectfully, the argument appears to be rather innocent of the law. Maintainability has to be ascertained at the very onset of proceedings by the Court<sup>1</sup> and frivolous litigation cannot be permitted to clog the docket. Irrespective hereof, no cavil was articulated to the observations recorded in the impugned order and it was never the learned counsel's case that the impugned order could not be rested on the rationale observed.

This Court has duly appraised the contents of the present application and the arguments advanced by the counsel and is of the considered opinion that no grounds for review have been made out. The applicants have not demonstrated the discovery of any new and important matter which could not have been addressed earlier; have failed to identify any mistake apparent on the face of record; and finally no reason has been advanced to justify the review of the Order. It is thus the considered view of this Court that this application is frivolous, vexatious and *prima facie* devoid of merit, hence, is hereby dismissed with cost of Rs.100,000/-, per petitioner, to be deposited in Sindh High Court Clinic at Larkana within one week.

Judge

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<sup>1</sup> Per *Saqib Nisar J* in *Haji Abdul Karim & Others vs. Florida Builders (Private) Limited* reported as *PLD 2012 Supreme Court 247*.