

## IN THE HIGH COURT OF SINDH AT KARACHI

### **II<sup>nd</sup> Appeal No. 353 of 2024**

[Farhat Bano & others Vs. Ghazafar Ali & others]

Appellants : Through Mr. Ghulam Rasool Shaikh, Advocate.

Respondents No.1 & 2 : Through Mr. Shahzad Bashir, Advocate.

Respondent No.4 : Through Mr. Iqbal Khurram, Advocate.

Official Respondents : Through Mr. Ahmed Khan Khaskheli, A.A.G.,  
Sindh.

Dates of Hearing : 25.08.2025

Date of Judgment : 25.08.2025

### **JUDGMENT**

**Muhammad Osman Ali Hadi, J:** The instant II<sup>nd</sup> Appeal arises from Judgment dated 14.09.2024 (“**the Impugned Judgment**”) passed by the IX<sup>th</sup> Additional District Judge Karachi West (MCAC), whereby an appeal filed by the Appellants was dismissed.

2. The brief facts of the case transpire that a Civil Suit No. 829/2021 was filed by the Respondents No.1 & 2 (Plaintiffs in the Suit) before the Senior Civil Judge-XVII Karachi West, for cancellation of a General Power of Attorney dated 10.8.2015. A judgment/decreed dated 04.05.2023 (available at Page 89 of the File) was passed in their favour, whereby the General Power of Attorney dated 10.08.2015 (“**GPOA**”) was cancelled and declared to be fake. The said GPOA was a document through which the current Appellants had claimed their right to Suit Property bearing Plot No. A-006, admeasuring 200 sq. yards situated at Sector Y, Sub-Sector-1, Gulshan-e-Maymar, K.D.A. Scheme 45 Karachi (“**the Suit Property**”). In essence, once this GPOA was cancelled the Appellants lost their claim on the Suit Property. Pursuant to the judgement / decree passed by the Trial Court, the current Appellants filed a Civil 1<sup>st</sup> Appeal No. 219/2023 on 02.11.2023, which was also dismissed vide the Impugned Judgement dated 14.09.2024. The Impugned Judgement is detailed and has considered all the relevant points discussed in the earlier judgment and decree passed by the Trial Court, and found favour towards the Respondents by upholding the

earlier judgement / decree and dismissing the said 1<sup>st</sup> Appeal. Furthermore, the said Appeal filed by the Appellants was also time barred, which was an added ground for its dismissal. This instant 2<sup>nd</sup> Appeal has been filed challenging the Impugned Judgement, against concurrent findings from the forums below.

3. Learned counsel for the Appellants has stated that he is aggrieved by the Impugned Judgments below, as he submits that the said General Power of Attorney was previously used throughout various transactions and proceedings, and that it is a legitimate document. This point has been controverted by the learned counsel for the Respondents, as well as the Assistant Advocate General Sindh present, who submit that the judgment / decree of the learned Trial Court and the Impugned Judgment are correct and do not require interference. They have also referred to a Letter dated 22.05.2018 (available at Page 271 of the File), whereby the Consulate General of Pakistan in Houston - USA have themselves stated that the said General Power of Attorney was not verified and it appeared to be fake.

4. Learned counsel for the Respondents No.1 & 2 has also referred to various portions of the examination / cross examination at evidence stage of the Trial, where it transpired that the Appellants neither cross examined the Respondents (Plaintiffs in the Suit) nor offered final arguments in this regard. Learned AAG also submitted the 1<sup>st</sup> Appeal was hopelessly time barred, and that the *mala fide* conduct of the Appellants can be observed through their lacklustre mannerism. He stated the Appellants are simply delaying the matter in a bid to frustrate the Respondents. He concluded by saying the scope of a 2<sup>nd</sup> appeal is extremely limited and there are concurrent findings against the Appellant, disentitling them to any relief. He relied on Supreme Court precedents in support of his contentions.

5. I have heard the learned counsel for the parties and have gone through the documents available on record.

6. I asked the learned counsel for the Appellants to show any legal document on record which substantiates that the General Power of Attorney dated 10.08.2015 is a legitimate document, but he remained unable to do so. Moreover, to the contrary, a letter of the Consulate General of Pakistan at Houston - USA as well as a Trial Court decree is available on record, holding the GPOA to be a fake document. This view was also upheld by the Appellate Court. Learned counsel for the Appellants has also failed to address the issue of their 1<sup>st</sup> Appeal being time barred, as it was filed at least five (5) months after the Trial Court passed judgement / decree. The judgement / decree was passed on 04.05.2023 and the Appellant applied for a certified copy of the

judgement on 25.10.2023. A certified copy was given to them on 26.10.2023, but they still delayed the matter even further and filed the 1<sup>st</sup> Appeal on 02.11.2023. Limitation is a serious and substantial aspect of legal proceedings, and not just a mere technicality.<sup>1</sup> This tardiness and nonchalant attitude of the Appellants is a serious impediment to their claim, which remains unresolved as the mentioned delay was never condoned.

7. As was also argued by the learned AAG, a 2<sup>nd</sup> Appeal remains very limited in its scope, particularly when there are concurrent findings against the Appellant. In the recent judgement of the Hon'ble Supreme Court of Pakistan reported as 2025 SCMR 1262 it was held that the High Court could not re-weigh or re-interpret evidence, but could only interfere with concurrent findings below if there was a glaring defects on the surface of the record. No such glaring defects in the concurrent findings below have been shown by the Appellant.

8. In conclusion, I find that the Appellants have remained unable to establish any ground to interfere with the Impugned Judgment(s) below, nor have the Appellant provided any legal rationale which would require invocation of this Court's jurisdiction in a 2<sup>nd</sup> Appeal. Accordingly, this II<sup>nd</sup> Appeal (along with pending applications) stands dismissed.

**JUDGE**

M. Khan

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<sup>1</sup> 2024 SCMR 518 & 2025 SCMR 930