

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Civil Revision No. S – 48 of 2019

*(Ali Sher Mahar v. I.G.I. Life Insurance Company & others)*

Date of hearing : 12.01.2026

Date of decision : 12.01.2026

Mr. Jamshed Ahmed Faiz, Advocate for applicant.  
Mr. Abdul Raheem Jamro, Advocate for respondents.

## ORDER

**Mahmood A. Khan, J.** – Through this Civil Revision, the applicant has challenged the judgment and decree dated 02.11.2018, passed by learned IIIrd Senior Civil Judge, Sukkur in Old First Class Suit No.350/2015 (New First Class Suit No.101/2017), whereby the applicant's suit for damages was dismissed, and the judgment and decree dated 04.12.2018, passed by learned Additional District Judge (Hudood), Sukkur in Civil Appeal No.114/2018), whereby the applicant's appeal was dismissed in limine upholding the judgment and decree of the learned trial Court.

2. Learned Counsel for the applicant contends that the impugned judgment has been passed on the appeal filed by the applicant, being the appellant on the appeal under Section 96, CPC, whereby the suit filed by the present applicant on his claimed dismissal was disposed of on merits after leading of his evidence, to which no rebuttal was present on part of the other side. Learned Counsel for the applicant contends that the learned trial Court was wrong in dismissal of the suit as there was no rebuttal and the contention of the applicant was liable to be taken as true and correct. He further contends that the learned appellate Court summarily dismissed the appeal in limine, whereas being the first appellate forum under Section 96, CPC, it was required that the matter should have been given proper hearing by calling of R&Ps and appraisalment of evidence. Learned Counsel also contends that the wrongful dismissal of the applicant was in question in the matter, whereby his services were terminated on the pretext of no more required, which was not available to the respondents.

3. Learned Counsel for the respondents, however, has relied upon the impugned judgments and decrees present in the matter.

4. Having heard the learned Counsels and gone through the record, the first element of learned Counsel for the applicant as to hearing of the appeal having observed that only the present applicant, being the appellant, had produced the evidence, no re-appraisal was found required for consideration, and even otherwise, going through the record, it was observed that the applicant was appointed in the year 2014 and was dismissed in the year 2015, wherein it was stated that he was no more required.

5. Apparently, no allegation resulting into an element of loss in terms of the said allegation is found present. The relationship between the present applicant and the respondents as is conveniently called master and servant, which empowers the respondents to deny from the services on a ground available other than making any wrong allegations which may cause disturbance to the career of an employee. However, in the present case, it was not present. It was for the applicant to show a wrong available on part of the other side. The wrong not being present, the right to be heard was only available to the applicant, which was provided to him, wherein having not shown any wrong conducted on part of the other side, no disturbance to the impugned judgments and decrees was found available.

6. Learned Counsel for the respondents, however, contended that the applicant having not taken his arrears of outstanding, same shall be available in accordance with the rules and as available to other employees, and accordingly, this revision is **disposed of** with the direction that all due arrears of the applicant be provided to him as is available in accordance with rules and tenure of service and other employees of similar nature.

With the above observations, matter stands **disposed of**.

J U D G E