

*Judgment Sheet*  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Civil Revision No. 87 of 2021**  
[ Mst. Rabia Khalid vs. Mehran Public School and others]

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|------|-------------------------------|
| Date | Order with signature of Judge |
|------|-------------------------------|

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| Applicants:           | Through Mr. Abdul Nabi Joyo, Advocate. |
| Respondents           | Nemo                                   |
| Date of Hg & Judgment | 26-01-2026                             |

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**ARSHAD HUSSAIN KHAN, J.-** Through the instant Civil Revision Application, the applicant has called in question the order dated 31.10.2020, whereby Appeal No.11 of 2019 was dismissed for non-prosecution, and the subsequent order dated 23.01.2021, whereby the application filed under Order IX, Rule 9, CPC for restoration of the said appeal was declined. Both orders impugned herein were passed by the learned District & Sessions Judge, Karachi. The applicant, being aggrieved by the dismissal of the appeal and the refusal to restore the same, has approached this Court under its revisional jurisdiction, seeking appropriate relief against the purportedly erroneous and unjust exercise of discretion by the learned trial Court. The matter, therefore, calls for a careful consideration of whether the impugned orders suffer from any legal infirmity or have occasioned a failure of justice.

2. Briefly stated, the facts of the case are that the applicant/plaintiff instituted Civil Suit No. 845 of 2017 before the learned VIIth Senior Civil Judge, Karachi (Central), against respondents Nos. 2 to 4, asserting that her correct date of birth is 22.12.1985, as reflected in her birth certificate issued by the Zonal Municipal Committee, Karachi, but the same was erroneously recorded in her school and academic records as 17.06.1982. She has further stated that despite approaching the concerned authorities for correction, they declined to do so, compelling her to file the said suit. The suit, after a full-dressed trial was dismissed, vide judgment and decree dated 22.11.2018 and 23.11.2018, respectively. The applicant challenged the said order in Civil Appeal No. 11 of 2019, which was dismissed for non-prosecution on 31.10.2020. Thereafter, her application under Order IX Rule 9 read

with Section 151, C.P.C. was also dismissed, vide order dated 23.01.2021, giving rise to the present Civil Revision Application.

3. Learned counsel for the applicants contends that the learned lower appellate Court, while dismissing the application for restoration of the appeal, which was dismissed for non-prosecution, failed to apply its judicious mind and did not properly consider the affidavit filed in support thereof. It is further contended that the impugned judgments and decrees passed by the learned trial Court, as well as the order dismissing the appeal by the appellate Court, suffer from material illegality and jurisdictional infirmity, as both Courts failed to properly exercise the jurisdiction vested in them by law and recorded findings in a cursory manner without correctly appreciating the pleadings and evidence on record. It is argued that there was misreading and misappreciation of both oral and documentary evidence, particularly the birth certificate issued by the Zonal Municipal Committee (ZMC) and the CNIC issued by NADRA, wherein the applicant's date of birth is consistently reflected as 22.12.1985. Learned counsel further submits that the Courts below failed to consider the settled position that the "FORMS" for the Board of Secondary Education are ordinarily filled by the school administration and not by the student, and that any mistake on the part of the school administration ought not to prejudice the applicant. According to learned counsel, the findings recorded by the Courts below are based on conjectures and surmises, having ignored the material evidence produced by the applicants, which has resulted in a grave miscarriage of justice, thereby warranting interference by this Court in the exercise of its revisional jurisdiction.

4. In the instant revision, none has appeared on behalf of the respondents despite service of notices. Since this is an old matter, pending since 27.04.2021, and sufficient opportunity has been afforded to the respondents to contest the same, the matter is taken up for hearing today.

5. I have heard the arguments of learned counsel for the applicants and with his assistance have perused the material available on record.

Through the present Civil Revision, the applicant has assailed the judgment/orders of the courts below mainly on the grounds of

misreading and non-reading of evidence, failure to properly consider the official documents contending that the courts below failed to exercise jurisdiction vested in them and ignored material legal aspects, thus warranting interference under section 115, C.P.C.

6. From the record, it appears that the learned trial Court, after framing issues and appreciating the oral and documentary evidence, concluded that the suit was not maintainable. It was held that the plaintiff/applicant neither levelled any allegation against the official respondent, i.e., the Board of Secondary Education, nor pointed out any illegality on its part. The only allegation was directed against respondent-Mehran Public School; however, the plaintiff/applicant failed to substantiate the same through cogent evidence. Learned trial Court further noted that although the appellant obtained her SSC certificate in the year 2002, the suit was instituted in 2017, clearly beyond the prescribed limitation period of six years.

7. Insofar as the case on merits is concerned, the applicant claimed that her correct date of birth is 22.12.1985, but the same was allegedly wrongly recorded by the school as 17.06.1982 and thereafter transmitted to the Board. Both the school and the Board denied the claim, asserting that the applicant was admitted in Class IX and that her particulars were forwarded strictly in accordance with the school General Register. During evidence, the applicant admitted that her date of birth in the school record was recorded as 17.06.1982, that the Board had committed no mistake. It is also an admitted fact that the applicant failed to produce the admit cards of Classes IX and X or any prior school record to substantiate her claim that her date of birth is 22.12.1985 instead of 17.06.1982. Although reliance was placed upon a DMC birth certificate, CNIC, and a Government notification, no supporting official record or witness was produced to substantiate the basis thereof. In contrast, the contemporaneous school record and the SSC certificate consistently reflected the date of birth as 17.06.1982. In these circumstances, the learned trial Court rightly rejected the applicant's claim on merits. The applicant also failed to rebut the findings of the trial Court through material available on the record.

8. It is settled law that revision under Section 115 C.P.C. is a supervisory jurisdiction, to be exercised to correct jurisdictional errors, illegality, or material irregularity in subordinate court proceedings. Upon careful review of the findings of the courts below, this Court finds no illegality, irregularity, or misapplication of law warranting interference.

9 Accordingly, the revision in hand being devoid of any force and merit is dismissed.

JUDGE

jamil