

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
R.A No. 135 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on CMA-910/2016
2. For katcha peshi.
3. For hearing of CMA-911/2016

06.12.2016.

Mr. Muhammad Saleem Hashmi, Advocate alongwith applicant.
Mr. Allah Bachayo Soomro, Additional A.G
Respondent No.1 Mushtaque Ahmed present in person.

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Heard the learned Counsel for the applicant, whose main grievance is that his applications, which he has mentioned in main memo of appeal, have not been decided by a speaking order. He further argues that he entertains certain apprehensions that both the appeals will not be decided as required under the law, which will result in grave injustice to the present applicant (Muhammad Ayoub), who is the appellant before the learned Appellate Court and has preferred two Civil Appeals No.154 of 2013 and 161 of 2013.

On last date of hearing, I made certain observations with regard to the application of the nature. In one of the recent decisions given on such nature of civil revision application, I have discussed the pros and cons of such proceedings. The gist of which is that these applications for transfer of cases from one Court/Judge to the other should be dealt with utmost care and should not be decided in a routine manner, as it can have far reaching consequences. The main grievance of the appellant can be redressed by directing the learned Appellate Court, which is seized of the matter, that the above mentioned two Civil Appeals should be decided in an expeditious manner, but strictly in accordance with law and considering the jurisdiction vested in the Appellate Court, *inter alia*, by virtue of Civil Procedure Code, which includes mentioning

the point of determination, while handing down the decisions on the above Civil Appeals. The learned Appellate Court, while deciding the matter expeditiously, should be mindful of the fact that justice should not only be done but it should manifestly and undoubtedly be seen to be done.

Keeping in view the above cardinal principles, both the above mentioned Civil Appeals, pending before the learned Appellate Court, should be decided in an expeditious manner preferably within 06 (six) weeks from today and the learned Appellate Court will not grant any unnecessary adjournment with an object to delay the proceedings. With these observations and directions, the present revision application stands disposed of.

JUDGE

Shahid