

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

R.A. No.149 of 2010.

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For katcha peshi.
2. For hearing of C.M.A-500 of 2010.

30.11.2017.

Mr. Sajjad Ali Gorar, for the applicants.

Mr. Arbab Ali Hakro, Advocate for the private respondents.

Mr. Wali Muhammad Jamari, Assistant A.G.

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1. These proceedings arise from the judgments passed by the learned trial Court as well as the learned appellate Court delivered in favour of the private respondents.

2. Learned counsel for the applicants contends that the dispute between the parties is limited to the sect of the deceased and as such the share acquired by the applicants and the private respondents was disputed. It is further contended on part of the learned counsel for the applicants that the learned trial Court has failed to consider that the oral evidence as brought up by the private respondents should have been considered having weightage more than the documentary evidence as relied upon by the applicants. It is also contended on part of the learned counsel for the applicants that the learned trial Court has also failed to consider that the documentary evidence would require to be entertained in the present matter. Whereas the learned counsel for the private respondents as well as learned AAG have supported the impugned judgments contending that the learned trial Court as well as the learned appellate Court have thoroughly discussed the point of dispute in accordance with the law and as such nothing has been shown to disturb the findings of the learned two Court below. Learned counsel for the private respondents in support of his contentions relied upon the cases of **Khan Muhammad v. Mst. Gohar Bano (PLD 1965 (W.P.) Lahore 46, Hussain v. Mansoor Ali (PLD 1977 Karachi 320) and Zainul Hassan Mian v. Khuwand Naka (1998 MLD 1857).**

3. Having heard the learned counsels and going through the record, it may be observed that para-8 of the learned trial Court's judgment thoroughly discusses the evidence as brought forward in respect of the sect of the deceased. The same issue has also been discussed in para-11 of the appellate Court's judgment. Nothing has been shown to enable comprehensive that the said findings are in violation of law in view of the facts on record as well as the present circumstances.

4. For the forgoing, the instant revision stands dismissed with normal costs.

JUDGE

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