

*ORDER SHEET*  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**

R.A. No.239 of 2017.

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DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on CMA-78 of 2018.

22.01.2018.

Mr. Muhammad Sulleman Unar, Advocate for the applicant.

Mr. Abdul Hameed Bajwa, Advocate for private respondents No.2 to 11.

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Learned counsel pleads urgency. Granted.

With the consent of learned counsels the instant revision application has been taken up for hearing.

Learned counsel for the applicant contends that the learned trial Court as well as the learned appellate Court has failed to appreciate the basic controversy between the parties being whether the allottee from whom both the parties claim title to the subject property was Barkati or Barkat Ali. It is further contended that the private respondents claimed to be legal heirs of Barkat Ali, whereas the applicant had purchased the property from Barkati. In this regard learned counsel for the applicant further contends that the said issue has not been given proper consideration by the learned trial Court as well as the learned appellate Court and as such under the revisional powers the matter is to be considered for remand for a proper consideration of the said issue.

2. The learned counsel for the private respondents on the other hand, contends that all the issues in the matter stand thoroughly discussed by the learned trial Court as well as learned appellate Court. It is further contended on part of the learned counsel for the private respondents that the evidence as led by the parties clarified the position for the contention raised and the same has also been discussed specifically by the learned Courts below. In this regard learned counsel for the respondents has relied upon the evidence as led by the parties.

3. Having heard the learned counsels and gone through the record with their assistance, it bears there from that the learned trial Court as well as the

learned appellate Court had discussed the issues as raised by the parties, which also includes the dispute now being hi-lightened. Learned counsel for the applicant's contention is not totally incorrect that no direct evidence of the alias has been brought up in document form, but it is considerable that the record as brought forward is not contrary either nor can it be denied that apart from direct evidence all the associated elements are also considerable in civil proceedings which are normally decided on the basis of weightage of evidence. In a revision exercise of powers no new re-appraisal without contradiction found can be made. The applicant having failed to bring forward any ground to interfere in the impugned judgment in this revision having found nothing enabling the requirement for exercise of powers under the revisional jurisdiction, the revision application stands dismissed with normal costs.

JUDGE

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