

# IN THE HIGH COURT OF SINDH, AT KARACHI

C.P No.D-7513 of 2015

D/O matter

- |    |                              |             |
|----|------------------------------|-------------|
| 1. | For order in CMA No.30670/18 | (U/A)       |
| 2. | For order in CMA No.30671/18 | (U/O XLVII) |

**Date of hearing: 08.10.2018**

Mr. Imtiaz Mansoor Solangi, Advocate for the Petitioner.

## ORDER

1. Granted.
2. The above captioned petition was disposed of vide Judgment dated 16.08.2018 with the following observations:-

**“15. We are of the considered view that the case of the petitioner is not similar to the cases decided by the Hon’ble Supreme Court of Pakistan in the case of Ahmed Ali Bhambro and M/s. National Insurance Company Limited supra, therefore, the case of the petitioner cannot be decided in the terms of the aforesaid judgments.**

**16. In view of forgoing discussion, this petition is disposed of in the aforesaid terms along with listed applications.”**

On 03.10.2018, learned counsel for the petitioner filed Review Application under section 114 read with order 47 Rule 1 CPC on the premise that the instant petition was disposed of on the basis of finding containing in para 15 of the Impugned Judgment.

Mr. Imtiaz Mansoor Solangi, learned counsel for the petitioner has contended that the petitioner has been non-suited by this Court on the basis of finding at paragraph No.15 of the Impugned Judgment; that the case of Petitioner was not required to be decided in the terms of Ahmed Ali Bhambro’s case; that the case of petitioner should have been heard at length by appreciating the documentary evidence available on record as such Petitioner has been prejudiced by the decision of this court which is not based on merits. He lastly prayed for decision of the

instant matter on merits rather than dismissal on the basis of the case decided by the Hon'ble Supreme Court of Pakistan as discussed supra, therefore on the basis of this ostensible error appearing on the face of record, the same may be rectified and this review application may be allowed.

We have heard the learned Counsel for the Petitioner at some length as well as gone through the judgment, under review passed by this Court as well as considered the review petition filed by the learned counsel for the petitioner.

We are of the view that the impugned judgment under review has elaborately discussed the points raised by the learned counsel for the petitioner at paragraphs 11 to 14, thus requires no interference, even the learned counsel has failed to point out any material error which is floating on the face of record to justify granting of this review application as his arguments primarily revolves around setting aside of the Judgment dated 16.08.2018 which could not be done under the grab of a review application.

In view of the above, we do not find any merit in the listed application bearing CMA No.30671/2018, which is dismissed accordingly.

These are the reasons of our short order dated 08.10.2018 passed by this Court, whereby we have dismissed CMA No.30671/2018.

**JUDGE**

**JUDGE**