

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

Suit No.704 of 2020

Date	Order with signature of Judge(s)
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1. For hearing of CMA No.7343/2020.

01.02.2021

Mr. Metharam Dharani, advocate for the plaintiff.

Mr. Muhammad Ghaffar Khan Kakar, advocate for the defendant No.1.

Syed Alay Maqbool Rizvi, Additional Advocate General Sindh.

This is an application for review, per Order 47 Rule 1, read with Section 114 CPC, in respect of the order dated 28.07.2020, wherein this suit was dismissed in pursuance of the binding edict of the honorable Supreme Court in the *Hamood Mahmood case (Hamood Mehmood vs. Mst. Shabana Ishaque & Others reported as 2017 SCMR 2022)*. The aforesaid order was rendered in presence of the plaintiff's counsel, however, no appeal is stated to have been preferred in such regard and instead a new legal counsel has been engaged to institute the present application.

Learned counsel for the applicant has drawn attention to paragraph 3 of the application, paragraph 3 of the grounds invoked in the application and paragraph 3 of the affidavit in support thereof, in an effort to justify the non-compliance with the successive orders for depositing of the sale consideration. Learned counsel for the defendants submit that the impugned order has attained finality and that the grounds invoked, in any event, cannot be construed as grounds for review within the confines of the law.

It is clear that the jurisdiction of this Court in review proceedings is limited to the ambit of Section 114 read with Order 47 CPC. The entire thrust of the arguments advanced by the plaintiff's counsel was directed towards justifying an admitted default and there was absolutely no effort to identify any mistake or error apparent on the face of the record or any other sufficient reason justifying a review of the Order.

This Court has duly appraised the contents of the present application and the arguments advanced by the plaintiff's counsel and is of the considered opinion that no grounds for review have been made out. The plaintiff has not demonstrated the discovery of any new and important matter which could not have been addressed earlier; has failed to identify any mistake apparent on the face of record; and finally no reason has been advanced to justify the review of the Order. It is thus the considered view of this Court that this application is devoid of merit, hence, the same is hereby dismissed.

JUDGE