

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Civil Rev. Application No.S-115 of 2017

Date	Order with signature of Judge
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1. For orders on CMA No.1154/2017
2. For hearing of main case

Date of hearing: 11.02.2021

Date of Decision: 11.02.2021

Mr. Naeemuddin Z. Kasimi, Advocate for the applicant
Mr. Ahmed Ali Shahani, AAG

ORDER

Yousuf Ali Sayeed, J:- The Applicant has assailed the concurrent judgments passed against him on 20.04.2017 and 14.09.2017 in FC Suit No.31/2013 and Civil Appeal No.76/2017 respectively, whereby his aforementioned Suit for Specific Performance as well as ensuing the Appeal preferred by him both came to be dismissed.

A perusal of the record reflects that one of the issues framed for determination in the Suit related to the genuineness of the Agreement of which enforcement had been sought, with the particular issue reading as follows:

“Whether agreement dated 2.10.2010 between the parties false manipulated, bogus and liable to be cancelled or otherwise? [Sic]

As such, it is apparent that very execution of the agreement underpinning the Applicant’s claim was directly in dispute. Be that as it may, the Applicant failed to produce and examine both of the attesting witnesses towards compliance of Article 79 of the Qanoon-e-Shahadat Order 1984 and also failed to demonstrate the factum of payments allegedly made as against the stated consideration.

Learned counsel for the Applicant endeavoured to make out a case but was unable to point out any non-reading or misreading of the evidence, and on query posed, conceded that only one witness had indeed been examined, and as to the sale consideration, contended that same had been paid in cash, which was considered to be an implausible plea by the fora below in the absence of any documentary proof in that regard. Under the given circumstances, there is no apparent illegality or material irregularity afflicting the impugned judgments, hence no interference is warranted in exercise of the revisional jurisdiction of this Court.

It is for such reasons that the main Application was dismissed vide a short order made in Court, along with the listed Miscellaneous Application.

JUDGE