

ORDER SHEET

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.**

Revision application No. 115 of 2010.

DATE	ORDER WITH SIGNATURE OF JUDGE[s]
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18.04.2022.

FOR HEARING OF MAIN CASE.

None present for applicant.

Mr. Arbab Ali Hakro Advocate for respondents.

Mr. Rafique Ahmed Dahri A.A.G. Sindh.

This revision is arising out of concurrent findings of two courts below. A suit for declaration, injunction and cancellation was filed. On filing the suit notices and summons were issued. The applicant filed affidavit in exparte proof and cross examination was conducted by court. On consideration of the contents of the affidavit and the cross examination the suit was dismissed exparte.

The applicant preferred an appeal bearing Civil Appeal No.128 of 2005 and the appellate court framed points for determination and in consideration of the material available on record was pleased to dismiss the appeal. Hence this revision application.

The scope of section 115 CPC is limited to the extent that the jurisdiction has not been exercised properly or it was exercised in excess of his jurisdiction or there was material irregularity or illegality.

I have perused the memo of plaint as well as the orders passed by the trial court and the appellate court and found nothing which could enable me to exercise jurisdiction under section 115 CPC. The cross examination conducted by the trial court is relevant and material. Applicant claimed to have leased out the land to the defendant through a written document but failed to produce the same and also not produced any land revenue receipt either with the plaint or affidavit in exparte proof especially for a period where sale deed was registered.

The instrument was registered in the year 1979 and the suit was filed in the year 2004 without any explanation of the fact recorded in the cross examination conducted by the court. I do not see any reason interfere in the orders of the two courts below, hence, no indulgence or interference is required and revision application being misconceived is dismissed.

JUDGE

A.

