

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.S-800 of 2023

Date	Order with signature of Judge
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For order on CMA No.1684/2024

29.02.2024

Mr. Farjad Ali Khan, Advocate for the petitioner.

Mr. M. Ahsan Rao, Advocate for the respondent.

This is a review application. Learned Counsel seeks review of order dated 11.01.2024 which reads as follows:-

“Heard the learned counsel for the Petitioner, none appeared for the Respondent against whom service has already been held good. It appears that whilst the trial Court has passed an ejectment order after considering all the facts and circumstances, the learned Appellate Court has given undue importance to the MOU which *in fact* predated the conveyance deed cementing absolute right of the Petitioner over the entire property and occupation of a portion thereof by the Respondent would not come in the way of the Petitioner in exercising her Constitutional rights. It appears that reliance of the Appellate Court on the MOU to deny the relation of landlord and tenant between the parties is ill founded. The Petitioner admittedly is owner of the Property in toto and till date no suit challenging the authenticity or genuineness of the Conveyance Deed has been filed by the Respondent. In these circumstances, this Petition is allowed and order impugned is hereby set-aside directing the Respondent to vacate designated portion of Property within thirty days from the date hereof.”

The present application seeks a review of the order dated 11.01.2024 and 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 counsel was directed towards merits of the case 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 counsel and is of the considered opinion that no grounds for review have been made out. The applicant 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 in *limine*.

Respondent No.1 is directed to vacate the designated portion of the Property within three days.

JUDGE

Aadil Arab