

ORDER SHEET  
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR  
Civil Revision Application No.S-205 of 2019

Date	Order with signature of Judge
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1. For orders on office objections
2. For non-prosecution of CMA No.1601/2023
3. For orders on CMA No.1383/2023
4. For hearing of main case
5. For hearing of CMA No.1131/2019.

**24.11.2023**

Mr. Nisar Ahmed Bhanbharo, Advocate for the Applicants  
Mr. Sajjad Muhammad Zangejo, Advocate for Respondent No.1  
Mr. Asfand Yar Kharal, Assistant Advocate General

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**CMA No.1601/2023:** By means of an application under Section 153 CPC, Applicant No.2 seeks amendment in his name, which has been mistakenly written as Dr. Khalid Masood alias Amjad son of Masood, instead of Khalid Masood Arain son of Abdul Sattar in the revision proceedings.

Learned Counsel representing the Applicants submits that the name of Applicant No.2, as mentioned in the proceedings, is due to oversight and a bonafide mistake. In support of his contention, he contended that even Applicant No.2 did not appear before lower Courts as having no interest in the suit property, and it is a matter of inheritance between the Respondents and Applicant No.1, who is his wife. Even otherwise, the proposed amendment sought in the proceedings would not affect the rights of any party, and it is a typographical defect or error in the proceedings.

Counsel representing Respondent No.1 and AAG recorded no objection to granting the listed application. Accordingly, the listed application is **allowed**. The office is directed to make necessary amendments and corrections in his name in the memo of revision with red ink.

**CMA No.1383 of 2023:** The listed application has been filed under Order XXIII Rule 3 r/w Section 151 CPC duly signed by Applicants and the Respondent No.1, namely Dr Sughra, Khalid

Masood Arain, Mushtaque and Haji Saeed Khan, who are present in Court and seeking disposal of instant revision application pursuant to following terms and conditions:-

- “1. That the parties are cousins inter se and their predecessors in interest jointly held landed properties viz. survey numbers 751, 351, 309, 814 & 277 of Deh Ghulam Shah of taluka Kandiara the respective shares of the predecessors in interest of the parties are entered in the record of rights.*
- 2. That the applicant, Dr. Ghulam Sughra and others in the above civil revision admit that the father of Respondent No.1 namely Mohammad Dawood is also share shareholder in the above property including that of survey number 277 which is the subject matter of litigation between the parties.*
- 3. That Mohammad Dawood transferred the rights of ownership to the extent of his share in survey number 277 in favour of his son Mohammad Saeed through registered sale deed dated 27.11.2010 and such ownership is not disputed by the applicants.*
- 4. That the applicants have no any objection if the suit of Respondent No.1 is decreed to the extent of his share in the suit property survey number 277, the Respondent No.1 would not claim mesne profits.*
- 5. That the Applicants and Respondent No.1 agree that for the purposes of separate possession and partition the parties will adopt proper proceedings before the Land Revenue Court having jurisdiction. They will file an application under Section 135 of the Land Revenue Act for determination of proper shares of all the parties who are co-sharers in the property.*
- 6. That the Applicants under such circumstances do not press and withdraw civil revision application No. 204 of 2019 and seek disposal of Revision Application No.205 of 2019 in the above terms.*

Learned Counsel for the Applicants and Respondent No.1 submits that since the matter has been compromised between all the concerned parties on the above terms and conditions, he prayed that an instant revision application may be disposed of in view of the compromise application duly supported by an affidavit of parties, who are present in the Court and have verified the contents of application.

I have given anxious consideration to the matter, perused the terms and conditions of the listed application, and come to the conclusion and observed that compromise can be allowed in the

revision application by virtue of provisions embodied under Section 141 CPC, which is permissible to apply order XXIII Rule 3 CPC to proceedings in revision as well. There appears to be no impediment in allowing the compromise in a civil revision application. To my mind, the best forum of justice is what the parties decide inter-se there; thus, there exists no reason or principle to discountenance the composition by the parties of their difference in a revision application.

Keeping all the considerations in mind, I am inclined to the view that provisions of Order XXIII Rule 3 CPC ought to have received, liberal and beneficial consideration. Accordingly, I hold the compromise is permissible under Order XXII Rule 3 r/w Section 141 CPC as regards the controversy involved in the present revision application; therefore, by consent of all private parties, the instant **revision application stands disposed of in the terms above along with listed application**; however, it is clarified that disposal of instant revision application in terms of compromise between the parties is without prejudice the right and interest of third party, if any and subject to law and will have binding effect between the parties to compromise application in accordance with law. However, with regard to the relief sought against the official Respondents, both the Counsel for the parties have filed a joint statement and submitted that applicants do not press revision application against the official Respondents. Accordingly, the instant revision application stands **dismissed as not pressed** against the official Respondents.

JUDGE