

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

CP D 5139 of 2015

Date	Order with signature of Judge(s)
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For hearing of CMA No.19249/2021

30.09.2024

Mr. Abdul Basit Afridi, advocate for the petitioners
Mr. Khurram Ghayas, advocate for defendant

Present application seeks review of order dated 29.07.2023 which is reproduced herein below:

“These miscellaneous applications have been filed after disposal of number of petitions on 09.12.2016 where petitioners were directed to approach the Anti-Encroachment Tribunal. Though all aggrieved persons approached the Tribunal and some of the cases were decreed, however, this apparently the current action of demolition is neither the violation of order of this Court nor such action could be undertaken in these proceedings which have already been disposed of. Perhaps record shows that Anti-Encroachment Tribunal issued demolition notices in pursuance of order dated 14.06.2021 passed on CMAs No.441-K and 549-K of 2021 in C.P. No.9 of 2010 of Hon’ble Supreme Court, hence the grievance of the petitioner that the order of this court dated 09.12.2016 is violated is misconceived consequently, the listed Misc. applications are dismissed”

This petition was determined on 09.12.2016. The consent order directed the petitioners to approach the Encroachment Tribunal and seek appropriate remedy. Subsequently, on account of grievance allegedly accruing pertaining to events before the tribunal, applications *inter alia* seeking stay orders and alleging contempt were filed. The order sought to be reviewed concluded that no case was made out to entertain such applications post determination of the petition, hence, the listed applications were dismissed.

Petitioner’s counsel remained unable to articulate as to how the relevant applications could have been entertained post determination of the petition. Moreover, reiteration of grievances with respect to events before the tribunal could not be befallen within the remit of review.

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 an already dismissed 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 review application is hereby dismissed.

Judge

Judge