

IN THE HIGH COURT OF SINDH, KARACHI
HCA No.337 of 2023

Present:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Muhammad Osman Ali Hadi

- 1 For orders on CMA No.658 of 2025
- 2 For orders on CMA No.659/2025
- 3 For orders on CMA No.660/2025

21.04.2025

Mr. Waqar Muhammad Lodhi, advocate for the appellant.

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JUDGMENT

MUHAMMAD OSMAN ALI HADI, J:- Learned Counsel for the Appellant has filed an Application being CMA No.659 of 2025 Under Order 47 Rule 1 read with Section 114 and Section 151 Code of Civil Procedure, 1908. Through the said Application, Counsel has sought a review of Judgment dated 09.04.2025, whereby their High Court Appeal was dismissed.

2. We have gone through the Application and find the same to be without merit. The grounds alleged by the Appellant in the Review Application, which even if considered, would have no variation on the outcome of the Judgement, as the same are not against the ratio which provided the basis for the Judgement.

3. Facts stated in Para 3 (a) (b) (c) of the Application again hold no weight, as the Appeal was dismissed, *inter alia*, on grounds of limitation, and the decision passed in the Impugned Judgement / Decree passed in Suit No.1040 of 2009 was upheld.

4. The said Application also has incorrectly stated (at Para 3 [d]) that the Respondent has not claimed rent of possession on the property, whereby a simple perusal of the Respondents affidavit/response would show to the contrary (reference is made to Para 5 of the Affidavit-in-Evidence at page 227 of the File, whereby the Respondent stated they are entitled to recover monthly rent from the Appellant).

5. The assertions stated in Para 3(e) are also incorrect and incomprehensible. Delivery of possession of the property was directed in the Impugned Judgment/Decree (reference can be made to Para-44 @ pg. 87 of

the File), which has simply been upheld in the Appellate Judgement. As such, this statement by the Applicant also holds no merit for consideration.

6. Overall, the Applicant has failed to provide any grounds for Review of Judgement dated 09.04.2025. In the case of *Messrs INTER QUEST INFORMATICS SERVICES*¹ (2025 SCMR 257), the Hon'ble Supreme Court discussed parameters required for filing a review petition in the Superior Courts. They held:

“For purposes of a review petition the settled principles governing the ground of "error apparent on the face of the record" are that the error, whether of fact or law, must be self-evident and readily discernible on the face of the record. It should not require meticulous examination or detailed analysis to uncover, nor should it need to be demonstrated through extensive or intricate arguments, or established through a lengthy process of reasoning on points where reasonable divergence of opinion may exist. Established instances falling within the scope of "error apparent on the face of the record" include judgments passed on an erroneous assumption of material facts or by overlooking a material question of fact or law or an important aspect of the matter, which, if noticed and considered earlier, would have direct bearing on the conclusions reached by the Court.” (*emphasis supplied*).

7. That even if all the assertions stated in the said Application were considered and accepted (which they are not), the same would hold no impact on the overall outcome of the Judgement. Accordingly, the said Application, along with CMA No. 660 of 2025 are hereby dismissed.

JUDGE

JUDGE

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¹ Reported as 2025 SCMR 257