

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP D 1251 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For hearing of Misc. No.6049/2023
2. For hearing of main case

16.04.2025

Mr. Mohsin Khan, advocate for the petitioner
Mr. Sandeep Malani, Assistant Advocate General Sindh

Briefly stated, the Chief Inspector of Stamps had passed an order in the year 2016, not annexed with the petition, and instead of availing statutory remedy petitioner assailed the same in writ jurisdiction many years later. CP D 172 of 2019 and 7680 of 2019 have been filed in such regard and they were disposed of vide order dated 31.10.2022 directing the petitioner to avail statutory remedy. The statutory remedy was availed and the appellate authority rendered order dated 16.02.2023 in such regard.

The petitioner assails the appellate order on the premise that the evidence was not appreciated in its proper perspective, hence, same exercise be conducted *denovo* by this Court. It is further argued that since the appellate hierarchy has already been exhausted, therefore, the petitioner is entitled to prefer this petition.

It is settled law that the ambit of a writ petition is not that of a forum of appeal, nor does it automatically become such a forum in instances where no further legal recourse is provided or precluded by the law¹, and is restricted *inter alia* to appreciate whether any manifest illegality is apparent from the order impugned. No such infirmity could be identified before this court in the order impugned.

The Supreme Court observed in *Arif Fareed*² that the objective of Article 199 of the Constitution is to foster justice, protect rights and correct any wrongs, for which, it empowers the High Court to rectify wrongful or excessive exercise of jurisdiction by lower courts and address procedural illegality or irregularity that may have prejudiced a case. However, it is emphasized that the High Court, in its capacity under Article 199, lacks the jurisdiction to re-examine or reconsider the facts of a case already decided by lower courts. The judgment in *Hamad Hasan*³ deprecated such a tendency in no uncertain words and maintained that it was impermissible for Constitutional jurisdiction to be substituted for appellate jurisdiction.

¹Per *Ijaz ul Ahsan J* in *Gul Taiz Khan Marwat vs. Registrar Peshawar High Court* reported as *PLD 2021 Supreme Court 391*.

²Per *Amin ud Din Ahmed J* in *Arif Fareed vs. Bibi Sara & Others* reported as *2023 SCMR 413*.

³Per *Ayesha A. Malik J* in *M. Hamad Hassan v. Mst. Isma Bukhari & Others* reported as *2023 SCMR 1434*.

No jurisdictional defect has been demonstrated in the order impugned, therefore, no case for invocation of writ jurisdiction is made out. In view hereof, this petition is found to be misconceived, hence, dismissed.

Judge

Judge

Amjad