

ORDER SHEET

HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS

C.P No.D-1328 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on M.A No.1290/2025 (U/A)
2. For orders on M.A No.1291/2025 (Review)

14.5.2025

Mr.Irfan Ahmed Qureshi, Advocate for the applicant/Petitioner

1. Granted.
2. This is an application under Section 151 read with Section 114 of the Code of Civil Procedure (C.P.C), wherein the applicants/petitioners seek review of the order dated 16.04.2025, passed by this Division Bench. Notably, the said order was passed on 16.04.2025, while the review application has been filed on 12.05.2025.

Heard and perused the record. The order dated 16.04.2025, sought to be reviewed, reveals that the petition was disposed of with the consent of both parties. Therefore, it is deemed appropriate to reproduce the relevant portion of the said order as follows:

“The petitioners have not disputed the said demarcation report, and both parties have agreed to the boundaries and demarcation for the purpose of ascertaining the area of agricultural land failing within the aforementioned survey numbers, as claimed by both the petitioners and the respondents.

Mr.Ghulam Hussain, Assistant Commissioner, Mirpurkhas, is present and submits that the Deputy Commissioner, Mirpurkhas, had constituted a committee of officials, headed by the Assistant Commissioner, to resolve the dispute between the parties over the subject land.

Learned counsel for the petitioners and learned for respondent no.9 have agreed that the boundaries and area ascertained through the aforementioned demarcation shall be adhered to under the supervision of the said committee.

The petition stands disposed of in above terms, with a direction to the Deputy Commissioner, Mirpurkhas, to refer the matter to the already-constituted committee for compliance within 30 days. The committee shall supervise the construction of a boundary wall, as respondent No.9 intends to construct the same to separate the area of the village from the housing scheme.”

At this juncture, it is pertinent to highlight that the scope of review is inherently limited and must be confined strictly to errors apparent on the face of the record. The powers of review vested in this Court are distinct from appellate jurisdiction and cannot be equated with the authority exercised in an appeal. A review is permissible only within the ambit of Section 114 and Order XLVII C.P.C. The review jurisdiction is narrow in scope and cannot be allowed to serve as an appeal in disguise. It is maintainable only upon the discovery of new and important evidence or when an error apparent on the face of the record is established. A decision, if erroneous, may be challenged before a higher forum through an appeal; however, a review cannot be entertained merely on the ground that the Court proceeded on an incorrect proposition of law. A party seeking review of a judgment or order must bring its case strictly within the confines of Order XLVII Rule 1 C.P.C. The purpose of review is not to facilitate a rehearing aimed at arriving at a different conclusion on merits. The provision for review under the C.P.C must not be misused to facilitate a party's withdrawal from a consent order. Encouraging such practices would lead to perpetual uncertainty and erode the sanctity of judicial orders passed with the consent of the parties. In the present case, learned counsel has failed to substantiate any plausible grounds reflecting an error apparent on the face of the record.

Additionally, Article 162 of the Limitation Act stipulates that the limitation period for filing a review application is 20 days from the date of the order. The impugned order was passed on 16.04.2025, whereas the present review application has been filed on 12.05.2025. No explanation whatsoever has been furnished by learned counsel to justify the delay in filing the review application.

In view of the foregoing reasons, the instant application stands **dismissed in *limine*** as not maintainable.

JUDGE

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