

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
R.A No.S-126 of 2014

Date	Order with signature of Judge
1.	For orders on office objections
2.	For hearing of CMA No.1034/2020
3.	For hearing of main case
4.	For hearing of CMA No.636/2016.

10.04.2025

Mr. Ahmed Ali Shahani, AAG for Applicants
Mr. Rajkumar D. Rajput, Advocate for Respondent

After arguing the matter at some length, where it is crystal clear that the Appellate Court passed an order dated 15.06.2023 on an application under Section 114 r/w Order XLVII Rule 1 & Section 151 CPC moved by the Respondent Nand Lal, completely changed its view and allowed the appeal as per the prayer of the Plaintiff Nand Lal. Whereas earlier the Appellate Court only awarded damages to the tune of Rs.2,15000/- on account of mental agony. This marked departure from the earlier adjudication remains unexplained in the body of the review order passed on the application of the Respondent Nand Lal so also seemingly the province was not served while this application was being heard as well as it is alleged by the Assistant Advocate General that such an application was even time barred. I also have serious reservation as to how the Appellate Court in its first attempt reached to the conclusion that only mental agony damages were payable whereas no such claim was even made by the Plaintiff Nand Lal. There is also a conspicuous absence of any detailed reasoning or scientific methodology for the subsequent quantification of compensation in the amount of Rs. 6,74,800/-, which appears to have been arrived at arbitrarily and without the support of any evidentiary or legal foundation.

With the consent of the learned counsel for both parties, the matter is hereby remanded to the Learned Appellate Court for reconsideration. The Appellate Court is directed to adjudicate the appeal afresh by affording both parties a full

and fair opportunity of hearing. The Appellate Court shall pass a detailed and well-reasoned judgment, based on the pleadings, evidence, and legal submissions presented by the parties during such rehearing. Consequently, the earlier findings and observations recorded in the judgment dated 23.06.2014 passed by the Appellate Court, as well as the subsequent order dated 23.06.2015 passed on the review application filed under Section 114 read with Order XLVII Rule 1 CPC, are hereby set aside. The Appellate Court is further directed to expedite the proceedings and dispose of the matter within a reasonable period, preferably within four months from the date of receipt of this order.

JUDGE

Faisal Mumtaz/PS