

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
HCA No. 200 of 2024

Date	Order with signature of Judge
------	-------------------------------

- 1) For orders on office objection a/w. reply as at ‘A’.
- 2) For hearing of Main Case.

28.08.2025.

Mr. Abdul Moiz Jaffari, Advocate for the Appellant.
Mr. Ehsan Malik, Advocate for the Respondent.

MUHAMMAD IQBAL KALHORO, J.- We have heard the parties in this appeal which impugns an order dated 05.4.2024 passed by the learned Single Judge in Suit No.576 of 2010, whereby Commissioner’s reports were taken on record subject to all just exceptions.

From the record and hearing, we have understood that in the suit the evidence was recorded by the Commissioner which was presented by him in the Court and it was taken on record and made part of the file. However, later on, a difference between the typed evidence submitted in the Court and the handwritten evidence by the Commissioner at the time of recording evidence was spotted and was brought to the notice of learned Single Judge. Hence, he ordered the Commissioner to reconcile the typed evidence with the handwritten evidence and submit the same again. The process was done and in compliance the Commissioner submitted the report as is reflected from the impugned order which was taken on record subject to all just exceptions.

The case of the appellant is that in the reconciled evidence, some improvements have been made by the Commissioner which are detrimental to the rights of the plaintiff / appellant.

Be that as it may, we have noted that the learned Single Judge has simply taken the report on record subject to all just exceptions which means that appellant can raise objection, if he so wish to the Commissioner's reports. When the learned counsel for the appellant emphasizes that there are some improvements in the evidence, he is essentially comparing it with handwritten transcript of evidence which, per him, contains different facts.

In our view, the petitioner can always point out such discrepancies or improvements to the trial Court and make a request for reconciliation of the evidence again, so that if there is any improvement and is noticed by the trial Court, the same would be reconciled and corrected. Therefore, le the appellant may make relevant application before the trial Court, which shall attend to the record diligently and decide the application. We further direct that, if the application is allowed, at the time of reconciliation, the Commissioner shall make sure that both the parties are present and in their presence the reconciliation of evidence is made so that there is left no chance of agitation between the parties.

The appeal is disposed of in the above terms.

J U D G E

J U D G E

Nasir/