

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
1st Civil Appeal No. S – 01 of 2020

Date of hearing	Order with signature of Judge
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Application in disposed of case
For hearing of CMA No.1677/2024 (Review)

27.05.2025

This is a Review Application filed under Section 114 read with Section 151, CPC, seeking review of the order dated 16.09.2024 passed by this Court, whereby the appeal was dismissed.

2. No one has appeared on behalf of the appellant. On the previous two dates of hearing, i.e. 17.03.2025 and 08.05.2025, Counsel for the appellant had appeared and sought time to address the matter. It appears that the appellant is no longer interested in pursuing the present review application, and the matter has not been prosecuted with due diligence.
3. Even otherwise, this Court has examined the application on its merits. The appellant seeks a modification of the order, requesting that the direction to deposit security in the sum of Rs.18,00,000/- before this Court be treated as fulfilled, on the ground that a surety of the same amount was previously submitted before the trial Court. In support, a photocopy of the purported surety / solvency certificate has been placed on record.
4. The submission, however, does not withstand scrutiny. No clear order, affidavit or supporting material has been cited to establish that the alleged surety was formally accepted or that it satisfies the requirement of security as directed. Moreover, it is well-settled that a surety and security are not interchangeable. This Court's order required the furnishing of security before the matter could be remanded for re-hearing. That direction remains unfulfilled, and the appeal was accordingly dismissed.

5. The scope of review under Section 114 CPC is narrow and well-defined. It is not intended to provide a second opportunity to reargue or revisit the case unless there is an error apparent on the face of the record or the discovery of a new and important fact that could not have been produced earlier despite due diligence. No such grounds have been established here. The contentions raised are, at best, reiterations of arguments already considered.

6. The conduct of the appellant reflects a continuing pattern of inaction and delay, both in the original appeal and now in the review proceedings. The relief sought appears to be an afterthought, unsupported by any sufficient legal or factual basis.

7. In view of the above, this Court finds no justifiable reason to alter or review the order dated 16.09.2024. The Review Application is accordingly **dismissed**, with no order as to costs.

J U D G E

Abdul Basit