

Order Sheet
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Const. Petition No.D-343 of 2023

Date of hearing	Order with signature of Judge.
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Appl in d/o case
1.For orders on CMA 7795/25
2.For orders on CMA 3882/25
3.For orders on CMA 3883/25 (Review)

25-11-2025

Mr. Shahzado Dreho, Advocate for the petitioner.

1. Urgency is granted.
2. Urgent application is dismissed as having become infructuous.
3. Through this Review Application, the petitioner seeks review of this Court’s order dated 20.05.2025.

Heard counsel for the petitioner. In our order dated 20.05.2025, review of which is sought, we have clearly mentioned the grievances of the petitioner in paragraph-2, wherein, on the basis of the statement of the Executive Engineer, PHE Division, Sukkur that the entire amount due against the department has been paid to the petitioner. It is also mentioned in the said paragraph that the petitioner admitted partial payment but denied receipt of the entire amount. Therefore, while disposing of petition, we observed that such dispute involved factual controversy requiring recording of evidence, which cannot be adjudicated while exercising constitutional jurisdiction. In spite of the above clear findings, this Review Application has been filed on flimsy grounds.

The Hon’ble Supreme Court of Pakistan in case titled **Haji Muhammad Botta and others v. Member (Revenue) BOR and others (PLD 2010 SC 1049)** has been pleased to hold that:

“The principles upon which a review can be granted are well settled i.e., there must be some new point based upon discovery of new evidence which could not with diligence, have been found out on the previous occasion. A review petition is not competent where neither any new and important matter or evidence has been discovered nor is any mistake or error apparent on the face of the record. Such error may be an error of fact or of law but it must be self-evident and floating on surface and not requiring any elaborate discussion or process of ratiocination. Orders based on erroneous assumption of material facts, or without advertent to a provision of law, or a departure from undisputed construction of law and constitution, may, amount to error apparent on face of the record. Error, on the other hand, must not only be apparent but must also have material bearing on fate of case and be not of inconsequential import. If judgment or finding, although suffering from an erroneous assumption of facts, is sustainable on other grounds available on record, review is not justifiable notwithstanding error being apparent on the face of the record. Where order under reviews did not appear to have been vitiated by any error on face of the record nor any other good and sufficient reason was given for review of order. Petition for review was dismissed. "Nawab Bibi v. Hamida Begum 1968 SCMR 104, Master Tahilram v. Lilaram 1970 SCMR 622, Abdul Khaliq Qureshi v. Chief Settlement and Rehabilitation Commissioner Pakistan 1969 SCMR 800, Rehmatullah v. Abdul Majid 1968 SCMR 838, Hassan Din v. Claims Commissioner 1969 SCMR 1047 (2), Qamar Din v. Maula Bakhsh 1968 SCMR 1042 (1), Muhammad Akram v. State 1970 SCMR 418, Muhammad Akram v. State 1970 PCr.LJ 909, Zulfikar Ali Bhutto v. The State 1979 SCMR 427, Rizwan Co-operative Society Ltd. Custodian of Evacuee Property 1978 SCMR 449, Farzand Ali v. Muhammad Arif 1979 SCMR 281, Rashiduddin Qureshi v. State 1979 SCMR 99.”

Moreover, the Hon’ble Supreme Court in case titled *Mian Rafiq Saigol and another vs. Bank of Credit and Commerce International (Overseas) Ltd. And another* (PLD 1997 SC 865) has also been pleased to hold as under:

“It is now well-settled that the exercise of review Jurisdiction does not mean a rehearing- of the matter and that as finality attaches to the orders a decision even though it is erroneous per se, would not be ground to justify its review. Accordingly, in keeping with the limits of the review jurisdiction it is futile to reconsider the submissions which converge on the merits of the decisions”.

Learned counsel for the petitioner has not been able to point out any apparent error floating on the surface of the record or any ground

or fact which was available on record but was neither agitated nor considered by the Court for the purpose of review of the order. It appears that by filing the Review Application, the petitioner only intends to reopen the case, which is not permissible under the law. Accordingly, this Review Application being without any substance is **dismissed** in *limine*.

JUDGE

JUDGE

Ahmad