IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

R. A. No. S-20 of 2016

[Syed Ali Dino Shah @ Muzaffar Ali Shah through LRs
Vs. Province of Sindh & others]

Applicants:	Through Mr. Ajmair Ali Bhutto, Advocate for Applicants
Respondents:	Through Mr. Rafique Ahmed Dahri, Additional A.G Sindh
	Mr. Noorul Amin Sipio, Advocate for Respondents Nos. 2 to 4
Date of Hearing:	**11.05.2026.**
Date of Judgment:	**15.06.2026.**

JUDGMENT

***RIAZAT ALI SAHAR, J*: -** This Civil Revision under Section 115 C.P.C. is directed against the judgment and decree dated 17.10.2015 passed by the learned District Judge, Jamshoro (Appellate Court), whereby Civil Appeal No.31 of 2013 filed by the plaintiffs was dismissed and the judgment dated 04.10.2013 and decree dated 07.10.2013 of the learned Senior Civil Judge, Sehwan (Trial Court) dismissing F.C. Suit No.49 of 2002, were maintained. The applicants (plaintiffs in the suit) challenge these orders on various grounds and seek that the suit be decreed or such other relief as may be appropriate.

2. The plaintiff Syed Ali Dino Shah *alias* Muzafar Ali Shah originally filed the suit for declaration and permanent injunction on 24.12.2002 (later joined by his legal heirs after his death). The suit property, described as ***"Katchery Kafee"***, is a graveyard of about 10,000 sq. ft. in Sehwan Sharif near the Dargah of Hazrat Lal Shahbaz Qalandar. The suit pleaded that the plaintiff's ancestors, including Hazrat Abdul Wahid Shah (great-grandfather of the

plaintiff), were buried there and that the plaintiff had been performing religious ceremonies (Dhamal, Mahendi) of the saint from time immemorial. The suit alleged that defendant No.4 (the Manager, Auqaf Department) wrongfully encroached upon the suit property by erecting walls and constructions (including an office) in the property without plaintiff's consent, and was tolerating further encroachments by contractors. It was averred that the suit property was neither acquired by Government nor part of the shrine or Auqaf (Waqf) land, and that defendant No.4, abusing office, attempted to dispossess the plaintiff. The plaint relied on a previous order in a constitutional petition (C.P. No.305/2002) restraining encroachment, which allegedly was being flouted. The plaint was valued at Rs.600/-.

3. Defendant No.4 in the written statement contended that parts of the suit property were Waqf (Auqaf) property, already acquired under the Sindh Auqaf Properties Ordinance, 1979. The graves (Mazaar) in question were of Hazrat Abdul **Wahab** Shah (**not** Abdul **Wahid** Shah) and were managed by the Auqaf Department. It was admitted there were graves in the north and west portion of ***Katchery Kafee***, but it was denied that the plaintiff was owner; the entire area was said to be taken over by Auqaf in 1964 (notification dated 11.12.1964 and Gazette 11.01.1965 produced in the trial Court as Ex.143/I and 143/J). Accordingly, it was asserted, the Town Committee had no jurisdiction over the suit property. The wall referred to by plaintiff had already existed (albeit dilapidated) and had been reconstructed; another wall by Auqaf divided graves and open space reserved for "ghusal" (ritual bathing) and "mahendi". It was averred that the plaintiff's suit was an attempt to occupy an Auqaf-controlled area; a criminal case had been lodged and status quo orders (dated 15.09.2003) were vacated. The Auqaf Department was thus in exclusive possession (admissions by plaintiff's witnesses were noted in later evidence). Defendants Nos.2 & 3 (the Auqaf Chief Administrator and Auqaf Administrator, Hyderabad) adopted defendant No.4's statement. Defendant No.5 (Station House Officer, P.S. Sehwan) stated that he had no stake in the property. Defendant No.1 (Town Committee) filed no statement.

4. Early on, the trial court framed 13 issues (record is lengthy). By consent, the suit proceeded to contest. The trial judge examined the evidence (plaintiff's witnesses and defendant's witness) and decided most issues against the plaintiffs. In particular, the court found that (i) the plaintiff was not the owner of the suit property (issues 1, 3 answered adversely to plaintiff); (ii) the property had indeed been taken over as Auqaf property and attached to the shrine (issues 4,5,8-12 answered in the affirmative for defendants); (iii) only the graves of the ancestors existed in the suit property (issue 2 answered affirmatively, negative for plaintiff's claim), and that alleged ceremonies by the plaintiff (issue 6) and threats to dispossess him (issue 7) were not established. In view of these findings, the trial court dismissed the suit on 29.02.2008 (subsequently decreed on 01.03.2008) for want of merits (Order XV Rule 3 C.P.C., or decree on contest). That decision was challenged in Civil Appeal No.4 of 2008, which this High Court allowed on 14.11.2009 and remanded the matter for fresh trial on merits.

5. Upon retrial, procedural complications ensued: the suit was dismissed for non-prosecution on 12.04.2010; an application for revival (O. IX R.9 C.P.C.) was dismissed on 01.11.2010; Civil Revision No.20/2010 was allowed by this Court on 14.12.2011, restoring the suit to its earlier position to be decided afresh on merits. Ultimately the parties went through evidence: plaintiffs examined several witnesses (with numerous documents Ex.143/A–O) including revenue entries and Auqaf notices; defendant No.3 (Auqaf Administrator) examined DW-1 Muhammad Saleem (Administrator, Auqaf) producing Auqaf notifications and taking-over entries (Ex.163/A–M). Thereafter, the trial court wrote the above findings (issues 1,3 against plaintiff, issues 2,4,5,8-12 in favour of defendants, issues 6-7 in negative to defendants) and on 04.10.2013 dismissed the suit (decree 07.10.2013).

6. The plaintiffs again appealed, numbering it Civil Appeal No.31/2013. The District Judge, after hearing counsel (as reflected in the record), framed five points for determination including

maintainability and merits. By judgment dated 17.10.2015 the Appellate Court upheld the judgment of the trial court on all points and dismissed the appeal (points 1,3,4 decided "affirmative" for respondents; point 2 "negative" for respondents, essentially rejecting plaintiff's contentions in each respect). These documents (trial judgment & decree and appeal judgment & decree) are on record as annexures.

7. Aggrieved, the plaintiffs have now filed this revision on numerous grounds. They contend, in essence, that the courts below erred in law and fact: misapprehending the evidence; misconstruing the Sindh Auqaf Ordinance (1979) provisions; failing to follow this Court's earlier remand order; and even failing to frame points of law as required by Order XL, Rule 31 C.P.C. The grounds span alleged misapplication of Sections 7 and 11 of the Sindh Auqaf Ordinance, mis-reading of pleadings and documents (especially the various 1964-1965 notifications and notices), and errors on each of the 13 issues. The applicants urge that these errors are material and illegal, justifying interference under Section 115.

8. Learned counsel for Petitioner argued that the impugned judgments were perverse and contrary to law and equity. He first contended that the Appellate Court had not framed proper points for determination, and decided the appeal without adequate discussion of the evidence, in breach of Order XL, Rule 31 C.P.C., thus illegally exercising jurisdiction. He submitted that both courts below also flouted the decision of this Court in C.P. No.D-262/2005 (Exh.143/K), which had directed the suit to be decided on merits. On legal issues (trial Issue Nos.8-12), the lower courts reached conclusions contrary to those of this Court's remand order, and therefore those findings were void.

9. Regarding specific issues, learned counsel argued with vehemence. On Issue No.1, he said the courts below erred in holding that the Auqaf had acquired the suit property. Defendants' written statement invoked Section 7 of the Waqf Ordinance (taking over administrative control) but the courts misinterpreted it as transfer of

ownership. Section 7 empowers the Secretary Auqaf only to take management of notified waqf property, not to extinguish private rights. The trial court wrongly based Issue 1 on that faulty statement. In truth, the plaintiffs proved exclusive possession of most of the 10,000 sq. ft. property (except the small portion where the defendants had built). The respondents failed to show that the *northern and western* portions (where graves are) were included in any notification; the 1960 and 1964 orders they relied on did not measure those areas. The lower courts' finding on Issue 1 was thus against the pleadings and evidence.

10. On Issue No.2, he emphasized that it was admitted by the defendants that graves existed on the suit property. The evidence showed those graves and the "Mazaar" were of the plaintiffs' ancestors. The lower courts' conclusion on this issue was a product of misreading the evidence, since defendants never disproved that those were ancestor graves of the plaintiff.

11. Issue No.3 concerned the identity of the "Mazaar", plaintiffs' evidence called it Abdul **Wahid** Shah, defendants said Abdul **Wahab** Shah. Learned counsel submitted this was a trivial discrepancy, not affecting the fact that the "Mazaar" was of plaintiff's ancestor. The courts below wrongly treated the name difference as casting doubt on plaintiffs' case, thus illegally deciding Issue 3 against them despite the overwhelming evidence of the familial link.

12. On Issue No.4, which dealt with taking over of the ***"Katchery Kafee"*** area by Auqaf, learned counsel pointed out that the defendants' own documents contradicted their claims. The notifications of 1960, 1964 and 1965 (Ex.163/B, 163/C, 163/D) concerned the *western* side of the shrine, but the suit property lies to the "*northern side*" as well. The official "taking over" letter dated 26.01.1965 (Ex.163/J) and related notices addressed it to a person having no authority (Nominee *Noor Muhammad*, whom the defendants falsely claimed to be nominee of the "Mutawalli" Syed Gul Muhammad). In fact the defendants' own Manager's report (dated 23.01.1965, Ex.163/D) noted that exclusive possession was not

taken. Thus the evidence shows the Auqaf never possessed the entire ***"Kachahry Kafee"*** land, especially the northern strip containing the "Mazaar" and graves. The trial court's finding that the property was acquired by the Auqaf and attached to the Dargah was a misreading of these documents and a misapplication of Section 7. This ground was reinforced by Issue No.5 (questioning attachment of the Mazaar to the shrine), on which defendants had a heavy onus to prove that the "Mazaar" of Abdul Wahid Shah was formally attached to the shrine. They failed to discharge it, as there was no gazette entry or notification linking that mazaar to Lal Shahbaz Dargah. Instead, the plants' evidence showed that their ancestor's graves were part of the old ***"Kachahry Kafee"***.

13. Issue No.6 concerned the plaintiff's possession and exercise of ceremonial rights. It was uncontested that until the suit, plaintiff had been allowed by the Auqaf to perform dhamal, mahendi and to supply drinking water to devotees (Ex.143/G and 163/L). The plaintiff was looked upon as the "surgrooh" (caretaker) of the "Kafee". Learned counsel emphasized that the courts below ignored or discounted this evidence improperly. The mere fact that the ceremonies were allowed by permission did not negate the plaintiff's hereditary rights; on the contrary, it confirmed his occupation and ownership in all but name. The finding against plaintiff on Issue 6 was thus based on a strained reading of the evidence.

14. Issue No.7 dealt with defendants' attempts to dispossess the plaintiff. The plaintiff had produced evidence of notices sent by respondent No.4 to the police (FIR Ex.143/ N) and letters (Ex.154/A, etc.) warning of his illegal occupation, showing a clear attempt to remove him from the suit property. The trial court nonetheless found no "intention to dispossess" proved. Learned counsel submitted this was not credible, the notices themselves speak of removing plaintiff and Fakirs from the Kafee. The courts below again misread the record, dismissing this evidence as mere "conjecture".

15. Issues No.8 and 9 concerned the plaintiff's failure to contest the Auqaf notifications and the consequent jurisdiction.

Learned counsel pointed out that the plaintiffs had not challenged the notification of 1964 (Ex.143/I) concerning the Kafee. The trial court applied Section 11 of the Sindh Auqaf Ordinance (penal provision) in this context (Issue No.8), but this was wrong: Section 11 imposes penalties for interference in waqf administration, and is irrelevant when a party simply fails to contest a notification. Similarly (Issue No.9), the remand order of 2006 by this Court had clearly directed the suit to be decided on merits, implying the trial court had jurisdiction. Yet the courts below held otherwise. Both findings on Issues No. 8 and 9 ignored the legal effect of the earlier order and improperly closed the door to plaintiffs' claims.

Issue No.10 related to maintainability. The plaintiffs' plaint had been in proper form and duly valued, and no valid objection of value or jurisdiction was raised by the defense. The trial and appellate courts nevertheless found the suit barred, without assigning intelligible reasons. This was a violation of Order VII, Rule 11, CPC.

16. Issue No.11 asked whether the plaintiff had any interest in the property given the notices dated 1965. Plaintiffs' case all along was that there *was* an interest (as ancestor heirs) and the notices merely ignored it. The lower courts, by treating the notices as conclusive, misread the pleadings (which had explicitly denied acquisition). In short, Issue No.11 should have been decided in plaintiffs' favour.

17. Finally Issue No.12 concerned the 2003 status quo. The plaintiff had a court order restraining any dispossession. He relied on this to say the open plot was still his to use. The trial court's finding on this issue (that the order did not entitle plaintiff to use the open plot) was perverse and unsupported.

18. In sum, learned counsel argued that every issue was decided contrary to the evidence, or on errors of law (e.g. application of Order 7 rule 11 CPC, effect of notifications), and that the lower courts relied on surmise. Each error, he asserted, was material irregularity or illegality under Section 115, CPC. Given these

substantial errors (misreading or ignoring evidence, misapplication of statutes, disregarding precedent), interference by this Court was warranted. He urged this Court to set aside both impugned orders and decree the suit in favour of the plaintiffs.

19. Learned counsel for the Auqaf respondents, strongly refuted these contentions. He argued that the plaintiffs' case was wholly untenable in law and fact. By the notifications of 1964–65 (Ex.143/I, 143/J, 163/C, 163/D) the suit property had already been taken over by the Auqaf Department and attached to the "Dargah of Hazrat Lal Shahbaz Qalandar". Section 7 of the Sindh Auqaf Ordinance empowered the Secretary, Auqaf, to assume management and maintenance of such properties. Once taken, no private claim could subsist. The plaintiff never challenged those notifications in any manner; indeed, his admission in evidence (through PW-8 Nusrat Ali, Town Committee official) was that the **Kachahry Kafee** is Waqf property of Auqaf and had remained in Auqaf possession. The courts below correctly held that the Town Committee (respondent No.1) had no jurisdiction since the land was not under its control at all. Respondent counsel emphasized that the plaintiff could not both accept Auqaf permission to enter and perform ceremonies (as he did on every Urs) and at the same time claim ownership. Such acts were by the grace of Auqaf, not evidence of title.

20. Learned counsel further submitted that the trial judge had carefully examined all evidence and documents. The findings on each issue were concurrent between the two courts below (except a couple of minor differences), and were supported by testimony and revenue records (such as the Deh Form-II entry and Town Committee certificates). There was no misreading: on the contrary, the courts rightly placed the burden of proof on the plaintiff to prove that the notifications did not affect the suit area. Defendants had proved the statutory notifications and government orders; plaintiffs proved nothing to negate them. The findings of the courts below were thus based on ample evidence.

21. On the question of jurisdiction and maintainability (Issues No.9 and 10), learned counsel pointed out that the suit was indeed not maintainable before the Town Committee, as the Auqaf Ordinance had entrusted administration of waqf lands to the Auqaf Department. The plaintiffs' reliance on the remand order of 2006 was misplaced, as that order simply cleared the procedural hurdle of the earlier strike-out; it did not prevent the trial court from applying relevant law. In any event, jurisdiction was never raised as an issue by the plaintiffs during trial, and could not be raised now in revision.

22. In sum, counsel for respondents No.2-4 submitted that no jurisdictional defect or irregularity was shown in the impugned judgments. The findings of the courts below rested on both documentary and oral evidence which fully supported their conclusions. The plaintiffs' objections were essentially re-appreciations of evidence and minor quibbles over names and technicalities. Such grounds could not justify revisional interference. The law is clear that concurrent findings will not be disturbed except on compellable grounds, none of which was made out here. They urged that the revision be dismissed.

23. Learned AAG, Sindh, representing respondent No.1 (the Provincial Government/Auqaf Department), adopted the arguments of respondents No.2-4 and emphasized the public interest in preserving waqf property. He underscored that all relevant land parcels had been duly notified as waqf (as per Ex.143/I, 143/J) and placed under Auqaf management. Any attempt by a private individual to gain title therein could only be tested through proper legal channels (for example, by challenging the notification in accordance with law), which was never done. The AAG pointed out that once a waqf has been declared and taken over, the Auqaf Department stands in the place of the Mutawalli (trustee) and the property's use is circumscribed by the Ordinance. The plaintiffs' suit, therefore, was fundamentally misconceived.

24. On behalf of the Province, the AAG reminded that Section 115 C.P.C. entrusts the High Court with supervisory

jurisdiction, not a free review of facts. **Unless there was a clear jurisdictional error, misreading, non-reading of evidence or any manifest illegality**, this Court should not disturb the findings of two competent courts. He also highlighted that the plaintiffs themselves had actively participated at trial and appeal without ever challenging jurisdiction of the court below, or any procedural defect, at the time. It was too late to raise such objections now. Finally, the learned AAG submitted that there were public law considerations: Auqaf properties are presumed pious and protected under public trust, and any laxity in upholding the notifications would undermine the Islamic charitable trust system. Thus, the Province also opposed the revision.

25. The Court has heard the learned counsel at length and has carefully examined the record. The primary question is whether the impugned judgments suffer from any jurisdictional defect, material irregularity, illegality, or misreading/non-reading of evidence such as to warrant interference under Section 115 C.P.C.. More specifically:

1. **Whether** the courts below lawfully exercised their jurisdiction and applied the Sindh Auqaf Ordinance, or committed any jurisdictional error.
2. **Whether** the lower courts' findings on the various issues (especially regarding ownership, possession, waqf status and ceremonies) involve any misreading or non-reading of evidence, or any perverse/illegality, such that the concurrent findings can be set aside.
3. **Whether** any other legal ground (maintainability, framing of points, etc.) vitiates the impugned decisions.

26. It is well-established that revisional jurisdiction under Section 115 C.P.C. is narrow and exceptional. It exists to ensure that subordinate courts act within their jurisdiction and according to law, not to entertain a dissatisfied party's grievance with the merits of a decision. Section 115(1)(a)-(c) itself confines the High Court to intervene only if the court below (i) exercised a jurisdiction not

vested in it, (ii) failed to exercise a jurisdiction vested in it, or (iii) acted illegally or with material irregularity. In other words, the revisional power is "pre-eminently corrective and supervisory", aimed at curing jurisdictional errors or flagrant illegality, not to substitute the High Court's judgment for that of the courts below on purely factual disputes.

27. The Supreme Court of Pakistan has repeatedly stressed that when the trial court and first appellate court have both examined the evidence and reached concurrent conclusions, the High Court "should generally refrain from offering an alternative interpretation of the evidence". Only when the lower courts' interpretation is "clearly unreasonable" or tainted by no evidence, misreading or perversity, will interference be warranted. In *Mst.Tayyeba Ambareen* **(2022 SCMR 636)**, for instance, it was held that the High Court may only intervene if the findings of fact are ***"based on no evidence, misreading or non-reading of the evidence,"*** or if the order is arbitrary, perverse or legally unsustainable. These standards are stringent and must be met before the High Court can set aside concurrent findings.

28. Applying these principles to the present case, it is apparent that the courts below carefully scrutinized the pleadings and evidence. The trial court framed 13 issues (encompassing ownership, waqf status, ancestral graves, ceremonies, etc.) and the appellate court reduced these to five points, then gave reasoned answers. No jurisdictional point, untimeliness, or procedural disqualification in the appeal is even apparent on the face of the record.

29. The core of the revision, rather, is disagreement with factual conclusions. The plaintiff invites this Court to hold that the suit property was never part of any waqf or acquired by Auqaf, that the ancestors' graves and "Mazaar" on the land are his proprietary family graves, and that he was in de facto possession and entitled to continue performing rites there. In contrast, the defendants' case (as upheld by both courts below) is that governmental notifications in

1964-65 took over the ***"Kachahry Kafee"*** area (as *shrine property*) and attached it to the Lal Shahbaz shrine, leaving no private estate for the plaintiff to claim. Both views cannot be simultaneously correct; necessarily, one side's version of the facts and law must prevail.

30. On the evidence before the courts below, the findings for respondents must be upheld. The **Official Gazette** (Exh.143/J) dated 11.01.1965, along with the **notifications** of 11.12.1964 (Exh.143/I) and the various letters of 1965 (Exh.163/C–M), reflect that the Government took control of "*Kachahry Kafee"* under the Auqaf Ordinance. The residents and caretakers mentioned in those letters (Samabo Shah, Nadir Shah, Ghulam Shabbir Shah, etc.) were placeholders for waqf administration. The trial court rightly concluded from these documents that the property had become waqf land. Moreover, the evidence (including plaintiff's own witnesses) admitted that the **Auqaf Department** has been in possession since those dates. The plaintiffs never challenged those notifications in court when given the chance, nor did they disprove that the land falls within the notified area. The presence of ancestor graves did not preclude acquisition; once notified as waqf, any private rights (if any) stood superseded. This is apparent from Exh.163/B, the 1960 order, which on its face declares that all "**waqf properties**" attached to the "**Dargah Hazrat Lal Shahbaz Qalandar**" (including this one) were being taken over by the Auqaf Department.

31. The petitioner's counsel suggested that the *northern* portion of the land (adjoining the shrine) was not covered by any notification, but even if technically true, that reservation does not nullify the bulk transfer. In any case, the courts below found that the area over which the ancestors' graves lie was part of what became waqf property (affirmative finding on Issue 2 and part of Issue 4). The plaintiffs offered no counter-document (for example, they did not produce any revenue record showing title in their name, apart from an old Town Committee certificate of 1997 which merely noted interments on the premises – Exh.143/A). Meanwhile, they conceded (PW-8 Nusrat Ali, Town Committee clerk) that the entire "*Kachahry*

Kafee" is Auqaf property. These concurrent findings, that the Government has acquired the property as waqf and that the plaintiff has no recognized title, are amply supported by the record.

32. The appellants lay great stress on certain details (the name "**Wahid**" Shah vs. "**Wahab**" Shah, minor gaps in the 1960-65 papers, and the fact that plaintiff was permitted some religious rites). None of these undermines the core conclusion. That the plaintiff performed annual "Dhamal" and supplied water to devotees, as accepted by all, simply shows that Auqaf tolerated this customary role; it does not convert it into legal ownership. The recognition of plaintiff as an attendant of the shrine is, if anything, a function of benevolence (the Auqaf may allow the family shrine to remain accessible), not a proof of outright ownership. Both courts below noted that such ceremonial allowances had no bearing on title. This was correct. Similarly, the name discrepancy (Abdul Wahid vs. Abdul Wahab) is trivial: whether one or two letters off, the relevant fact remains that a grave exists there and that the plaintiff claims descent from the person interred. The defendants' witnesses acknowledged the presence of those graves, so the trial court simply accepted the counsel's own premise (Issue 2). There is nothing illegal about that conclusion, and it cannot be disturbed absent misreading.

33. Nor is there any misreading in holding that the plaintiff had every opportunity to challenge the notifications but chose not to. By the **Waqf Ordinance**, the notification itself attaches the property to waqf; the remedy, if any, would have been to challenge that notification by a proper petition. The lower courts correctly observed (in answer to Issue 8) that no such challenge was brought. Consequently, the plaintiffs' inaction bore the consequences. It is axiomatic that one who is aggrieved by a government notification affecting property must timely object; failing to do so estops him from questioning it later. The trial court did not err in this regard.

34. With respect to jurisdiction (Issue 9), the learned counsel for plaintiffs relied on the remand direction of 2006, but that was a procedural order by this Court reopening the case on merits. It did

not purport to decree jurisdiction ousting the statutory transfer of land to Auqaf. The plaint correctly identifies the defendants including the Secretary Auqaf (respondent No.1). The Town Committee (respondent No.1) indeed filed no written statement but apparently did not contest the Auqaf notification. In any event, Section 11 of the Auqaf Ordinance (the penal provision for illegal occupation) is inapplicable here as a jurisdictional bar; it does not by itself deprive the civil court of jurisdiction to hear a suit, rather it contemplates penal sanctions for contravention. The trial court's reference to Section 11 in Issue 8 (as urged by the defendant No.4) was misguided; the Court of Appeal rejected that application correctly by holding that the civil suit could not be abated purely on Section 11. No jurisdictional defect thus appears in the impugned orders that calls for revision.

35. Issue No.10 (maintainability and plaint formalities) was also properly answered by the courts below. There was no omission in the plaint; it was clear, properly valued (Rs.600/-), and accompanied by requisite court fees. Any perceived minor defects (e.g. numbering of parties) were cured by the Code or were not raised in time by the defendants. The lower courts gave reasons for their finding that the suit had no cause of action as framed, which is a common ground to hold a suit barred if it asserts a wrong claim. There is no jurisdictional prejudice here; at best, this is an ordinary exercise of civil law which cannot be revisited by way of revision.

36. Finally, on Issue No.11 (whether dispute really existed), the trial record shows there was ample factual controversy, the plaintiff claimed exclusive use and family rights over the entire plot, while defendants asserted full waqf control. This factual dispute was thoroughly contested by pleadings, evidence and documents. The learned trial judge observed that the plaintiff's own attack on the notifications (through cross-examination of DWs) showed the existence of a true conflict. The appellate court agreed there was no challenge to the notifications and that plaintiff had even demanded removal of Auqaf constructions. These are findings on evidence; they are presumed correct absent extraordinary error. In revision, such

findings stand unless found to be perverse or legally infeasible. No such challenge has been successfully made here.

37. In summary, the plaintiffs are essentially asking this Court to re-evaluate the entire evidence and arrive at a different conclusion than the two courts below. That, however, is not the function of a revision under Section 115 C.P.C. The law is clear that where both courts below have drawn the same conclusions from the record, their findings are binding. The High Court cannot interfere merely on the basis that it might have weighed the evidence differently; it must point to a proper ground such as jurisdictional error, illegality or material irregularity. The applicants have largely identified grievances that amount to re-argument of the case on facts. Even if one were to say that some of the trial court's reasoning was hurried, the appellate court reviewed the material and endorsed the same outcome. This concurrence reinforces that no perversity or illegality is apparent. **As held by the Supreme Court, where two courts have concurrently considered both factual and legal aspects, the High Court should intervene only if the interpretation by lower courts is "clearly unreasonable". Here, there is nothing at all unreasonable about the lower courts' interpretation of the notifications, witnesses' admissions, and records.**

38. The applicants also cited Section 7 of the Sindh Auqaf Ordinance, 1979, which empowers the Secretary Auqaf to assume management of waqf property by notification. But Section 7 itself does not speak of divesting existing private owners; it merely establishes auqaf control. Nonetheless, once the property was declared waqf (by the provincial government), it fell within statutory regulation. If the plaintiffs thought otherwise, their remedy was to impugn the executive action, not to maintain a suit for declaration against the government and Auqaf. In any event, no defect of jurisdiction arises from the Ordinance's application here. Both courts below applied the Ordinance consistently with its purpose. Section 11 (penalties) was correctly found irrelevant to the civil dispute. The framing of issues or pleadings also gives no ground for nullity: the

suit was framed as a declaration suit (per Title of Suit). It was not struck in appeal or revision on technical grounds of style. The lower courts, in any case, heard the parties on all merits.

39. Accordingly, none of the high grounds of jurisdiction or material irregularity relied upon by the applicants is substantiated. As to alleged *misreading or non-reading* of evidence (the only potentially reviewable aspect under Section 115), a careful reading of the judgments shows that the courts did consider the evidence. For instance, the trial judge specifically recorded the substance of PW-4's admission and DW-1's documents regarding the notifications. The appellate judge also noted admissions by PW-8 (that the area was Auqaf). At most, the plaintiffs quarrel with how the courts weighed this evidence. But mere mis-appreciation or contrary view is not enough. Without an extraordinary error, the exercise of discretion by the trial judge in making findings is final. There is no egregious omission that cries out for correction. On the contrary, the judgments below reveal careful analysis of pleadings and documents, culminating in a logically consistent conclusion that the suit lacks merit.

40. In sum, the revisional jurisdiction cannot be invoked simply because the applicant is dissatisfied. **The Supreme Court** and **High Courts have repeatedly held that revision "is not meant to replace an appeal"**. It is directed only at true jurisdictional or legal infirmities. This record does not disclose any exercise of jurisdiction not vested in the courts, nor any patent illegality or irregularity. To the contrary, the Province and Auqaf legitimately exercised authority over the waqf property and the courts below adjudicated the dispute within law. The doctrine of concurrent findings strongly applies: where two courts of competent jurisdiction have reached the same result on a factual question, the High Court will not set it aside unless it is *prima facie* unreasonable.

41. As for the complaint about framing of points, that too is without merit. Even assuming arguendo that Order XL, R.31 was not meticulously followed, the Appellate Court did sufficiently focus on

the plaintiff's complaints and give reasons why the appeal failed. Such an irregularity (if any) is not jurisdictional, and does not invalidate the judgment. The revision has not pointed out to any prejudice from that procedure which would justify interference.

42. In view of the foregoing, I find no substance in the Civil Revision Application. The applicants have failed to show any jurisdictional defect, illegality or material irregularity in the impugned judgments. The concurrent findings of fact by the courts below namely, that **the suit property is waqf land already taken over by the Auqaf Department, that the plaintiff's claim of ownership is unsupported by the record**. These findings have a rational basis in the evidence and cannot be disturbed in revision.

43. Accordingly, the impugned judgments and decrees of 17.10.2015 (District Judge, Jamshoro) and 07.10.2013 (Senior Civil Judge Sehwan) are upheld. The Civil Revision Application is hereby ***dismissed***, along with all pending applications. No case for discretionary relief has been shown. Each party shall bear its own costs.

JUDGE