



**IN THE COURT OF THE BOARD OF REVENUE SINDH**

(the Highest Court of Appeal & Revision in Revenue cases in the Province)  
Before Mr. Shahab Ahmed Siddiqui, Senior Member, Board of Revenue, Sindh

**CASE NO. S.REVIEW - 182 OF 2011**

Arif Hussain s/o Nazir Ahmed Bhutta  
Having CNIC No.35404-3718114-9  
through Attorney Arshad Mehmood  
s/o Muhammad Yousuf,  
Shop No. J-30, Jeddha Center,  
Opposite Hotel Serawan, Saddar,  
Karachi.

Applicant

**VERSUS**

1. M/s. Global Multimedia Services (Pvt) Ltd.  
through its Chief Executive Officer &  
Managing Director, Nazeer Ahmed Vaid,  
s/o Yousuf Vaid, having Offices at 202,  
Continental Trade Center, Block-B,  
Clifton, Karachi.
2. Additional-Executive District Officer (Revenue),  
City District Government, Karachi.
3. Muhammad Bukhsh s/o Imam Bukhsh Jumari  
r/o No. 8, 7<sup>th</sup> Gizri Street, Phase-IV, DHA, Karachi.
4. Mukhtiar Kar (Rev) Gulshan-e-Iqbal, Karachi.
5. Sub Registrar, Gulshan-e-Iqbal, Karachi.
6. Intruder, Falsely posing as  
Arif Hussain Bhutta s/o Nazeer Ahmed Bhutta  
Having fictitious CNIC No.35202-0138611-1  
r/o A-Moosa-Muslim Colony, Shah Dara More,  
Lahore.

Respondents

Present: - Ms. Naira Shaikh, counsel for the applicant.  
Mr. Nazeer Ahmed Vaid, with counsel Mr. Toqueer Randhawa.  
M/s. Ghulam Abbas Soomro and Abdul Jabbar Mirza, counsel for the  
Respondent No.6.

**ORDER**

This is a Review Application filed by the above named applicant on  
26.11.2011 against the Order dated 30.09.2010 passed by Mr. Ghulam Ali Shah  
Pasha, former Senior Member, Board of Revenue, Sindh, whereby he dismissed the  
appeal and maintained the Order dated 10.07.2009 passed by the defunct  
Additional Executive District Officer (Revenue), City District Government, Karachi,  
finding no kind of any material irregularity or illegality in the impugned Order  
bearing No.EDO(R-v)/I/501, dated 10.07.2009 passed by the learned Additional





Executive District Officer (Revenue), City District Government, Karachi. He also held that the said order is detailed, self speaking and in accordance with view taken by the Honourable High Court of Sindh while disposing of CMA No.1076 of 2008 and CMA No.4746 of 2002 of Suit No.211 of 2008 and in relevancy of judgment dated 23.12.2004 of Division Bench in C.P. No.D-265, 266, 365, 366 and 367 of 2004, in which it has been clearly held that all such entries against which un-authorized "note" has been written by the Mukhtarkar as "suspicious entry" shall be scored off by the District Officer. No proceedings were initiated or continued by the Executive District Officer (Revenue) on such reference. For the reasons discussed above, both the appeals bearing SROA-129 of 2009 and SROA-144 of 2009 were dismissed and the order of Additional Executive District Officer (Revenue), City District Government, Karachi, dated 10.07.2009 was maintained.

2. Heard the counsel for both parties on 10.06.2015 and 12.06.2015 and also today and perused the impugned order dated 30.09.2010. The counsel for the Respondent No.3, remained absent, despite service of notice through courier service.

3. The counsel for the applicant contended with vehemence that order of the former Senior Member, Board of Revenue, Sindh, was not proper nor in accordance with law which needed to be set-aside and declared that the impugned order dated 30.09.2010 and order of Additional Executive District Officer (Revenue), Karachi, dated 28.06.2008 were without jurisdiction and without lawful authority, based on mala fide intention who had no powers to go beyond the scope of Suo-Moto show cause notice. The counsel further argued that the Revenue Officers (Respondents) unlawfully declared the title of property without leading evidence and providing opportunities to the parties to cross examine the witnesses, and to contest the matter according to settled principles of law. The respondents condemned the applicant unheard which is against the principle of Audi alteram partem. The counsel asserted that time limit will not run against the said void order. He relied on the section 29 of Limitation Act (which has no relevancy to this case). The impugned order dated 28.06.2008 and 30.10.2010 by which the appellant was falsely declared as "Telli", and provided undue benefit to other party. The counsel therefore, prayed that the impugned Order of the former Senior



Member, Board of Revenue, Sindh, dated 30.09.2010 be set-aside and the review application may be allowed.

4. In rebuttal to the above, the counsel for the respondent No.1, argued that impugned order was passed on 30.09.2010 whereas the Review Application has been filed on 10.11.2011. Thus it is time barred by 10 Months and 9 Days. The counsel contended that the Review Application has been filed under section 8 of the Sindh Board of Revenue Act, 1957 which is special enactment. Therefore, the provision 5 of Limitation Act is not applicable to the Review Application and this honorable Court has no jurisdiction to condone the delay under section 5 of the Limitation Act 1908. The counsel in support of his contention has relied upon the judgment of the Honourable Supreme Court of Pakistan reported in 1991 SCMR-2307. He also quoted case laws as under:-

Sr. No.	On Limitation Point	Sr. No.	On scope of Review
1.	PLD SC-2013-489	1.	CLC - 2012 - Pesh-185
2.	SCMR - 2012-377	2.	CLC - 2010 Leth-41
3.	SCMR2003-1300		

5. The counsel for the Respondent No.6, also argued that the review application is time barred and may be rejected summarily and order of the former Senior Member, Board of Revenue, Sindh, dated 30.09.2010 be maintained.

6. I have considered the arguments of both the counsels of the parties and case laws referred to above. The counsel for the applicant has failed to convince that Limitation Act is applicable to this Review Application, filed under the provisions of Board of Revenue Act, 1957. On the other hand, the counsel for the respondents drew the attention to the judgment of the Honourable Supreme Court of Pakistan referred to above from which it is clearly established that Board of Revenue, Sindh, has no jurisdiction to condone of the delay in review petition on the application filed under section 5 of Limitation Act, 1908.

7. It is not the intention of law that the procedure of "Review" should be used as another additional forum for litigating matters of fact and law, which had already been discussed, and adjudicated upon at different stages of appeal or revision. According to section 8 of the Sindh Board of Revenue Act, 1957 no



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powers of review vests in the Board of Revenue Sindh unless conditions laid down therein are fulfilled. The Review Application has been filed under section 8 of Board of Revenue Act, 1957 which reads as under: -

**B. Review of orders by the Board: -**

- (1) Any person considering himself aggrieved by a decree passed or order made by the Board and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or the order was made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason desires to obtain a review of the decree passed or order made against him, may apply to the Board for a review of judgment and the Board may, after giving notice to the parties affected thereby and after hearing them, pass such decree or order as the circumstances of the case require.

S. . . . . In the present case there is no any error found apparent of fact and law which were not considered earlier. No case has been made out for "Review" on any of the grounds mentioned in the preceding paragraph. There is no merit in the review application. Accordingly, Review application is dismissed. Consequently the impugned order of the learned Senior Member, Board of Revenue, Sindh, dated 30.09.2010 is maintained.

ANNOUNCED

  
(SHOAIB AHMED SIDDIQUI)  
SENIOR MEMBER  
BOARD OF REVENUE SINDH

**KARACHI**  
12.06.2015





No: READER/SMBR/2015/ 416 HYDERABAD. Dated: 01 .07.2015

A copy is forwarded for information & necessary action to: -

1. The Commissioner, Karachi Division, Karachi
2. The Deputy Commissioner, Karachi East
3. The Assistant Commissioner, Gulshan-e-Iqbal, Karachi East.
4. The Mukhtiar (Revenue), Gulshan-e-Iqbal, Karachi East
5. The Sub-Registrar, Gulshan-e-Iqbal, Karachi East.
6. Applicant through counsel Ms. Saira Shaikh.
7. Respondent No. 1 through counsel Mr. Toqueer Randhawa.

**ATTESTED**

  
**IDREES AHMED CHOHAN**  
JUSTICE OF PEACE AS MAGISTRATE  
Empowered U/s 22-A&B CR.PC  
Government of Sindh  
Karachi Pakistan

  
TO SENIOR MEMBER / 7/15  
BOARD OF REVENUE, SINDH

29 APR 2016