

P L D 2004 Karachi 543

Before Wahid Bux Brohi, J

YAKOOB through Legal Heirs---Applicants

versus

MUHAMMAD JUMAN alias ALLAH RAKHIO and others---Respondents

Civil Revisions Nos. 134 of 1989, 37 and 38 of 1994, decided on 19th March, 2004.

(a) Civil Procedure Code (V of 1908)-----

---S. 115---Revisional jurisdiction---Scope---Appellate .Court had, to a good extent, grappled with controversial points and had discussed the same, so also, the Trial Court had elaborately scrutinized, filtered and assessed the entire evidence on all issues---Each and every aspect had been attended to and the credibility of witnesses had been assessed on the basis of what was said in the examination-in-chief and what was elucidated in cross-examination---Format of the judgment of both Courts below, was not open to question---Findings on points of facts rendered by Trial Court and 'Appellate Court could not be interfered with by High Court in exercise of its revisional jurisdiction in absence of any misreading, non-reading of evidence or miscarriage of justice.

Nisar Abbas v. Manzoor Haider Shah PLD 1989 SC 568; Utility Stores Corporation of Pakistan Ltd. v. Punjab Labour Appellate Tribunal PLD 1987 SC 447; Hassan Shah v. Malook Shah 1987 CLC 2281; Yenkataraaju v. Yedukondalu AIR 1958 Andh. Pra. 147; Ram Charan Das v. Girja Nandini Divi AIR 1966 SC 323; Mst. Husna Bano v. Faiz Muhammad Magsi 2000 CLC 709 ref.

(b) Qanun-e-Shahadat (10 of 1984)---

---Art.133--If a particular version in evidence on a material point of fact would go unchallenged, same would be deemed to have been admitted.

(c) Pardanashin lady---

--- Interest of Pardanashin lady has to be strictly safeguarded by the Court and her consent should not roughly be presumed.

Mohan Lal K. Makhijani for Applicants.

Muhammad Anwar Durrani for Respondents.

Dates of hearing: 20th January and 18th February, 2004.