

*Form No: HCJD/C-121.*

**JUDGEMENT SHEET**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

Civil Revision. No. 254 of 2014

City Schools Pvt. Limited

***Vs***

Abdul Waheed, etc

**PETITIONER BY:** Mr. Muhammad Ahmed Raja, Advocate.  
**DATE OF HEARING:** 20-11-2019.

**ATHAR MINALLAH, CJ.-** Through this Civil Revision,

the petitioner has assailed judgments and decrees, dated 14.12.2011 and 10.06.2014, passed by the learned Civil Judge 1<sup>st</sup> Class-West, Islamabad and the learned District Judge-(West), Islamabad, respectively.

2. The facts, in brief, are that Abdul Waheed son of Gul Zaman (hereinafter referred to as the "***Respondent***") filed a suit for declaration, cancellation of documents, rendition of accounts, recovery of Rs.4,35,742/- and permanent injunction. The Respondent was appointed as Accountant by the petitioner Company on 02.08.1994. The Respondent was promoted to the post of Regional Finance Manager in 2000. He had served the petitioner Company for more than 12 years. The latter has asserted in his plaint, which was filed on 01.02.2007 that he was forced to resign. His resignation was accepted on 28.09.2006. The petitioner Company issued clearance certificate in his favour. However, later vide letter, dated 23.01.2007 a notice was

issued for payment of Rs.2,62,334/-. The suit was contested by the petitioner Company and out of divergent pleadings the learned trial Court framed nine (09) issues. After recording of evidence and affording an opportunity of hearing to the parties, the suit was decreed in favour of the Respondent vide judgment and decree, dated 14.12.2011. The petitioner Company preferred an appeal, which was dismissed by the learned District Judge vide judgment and decree, dated 10.06.2014.

3. The learned counsel for the petitioner Company has been heard at length. The learned counsel, despite is able assistance, could not point out any misreading or non-reading requiring interference with the concurrent findings. The petitioner Company was given an opportunity to controvert the claim of the Respondent by bringing on record cogent, reliable and trustworthy evidence. The deposition of the two witnesses produced by the petitioner Company virtually substantiated the claim of the Respondent. The petitioner Company had issued clearance certificate in favour of the Respondent after accepting his resignation. The petitioner Company at one stage had ~~also~~ <sup>also</sup> issued a notice to the Respondent, which was tendered in evidence by one of the witnesses who had appeared on behalf of the petitioner Company. The petitioner Company could not establish that the Respondent was involved in financial irregularities or that recovery was to be made from him. The concurrent findings do not suffer from any legal infirmity requiring interference by this Court while exercising revisional jurisdiction.

4. For what has been discussed above, the instant petition is without merit and, therefore, accordingly dismissed.

**CHIEF JUSTICE**

Asif Mughal/\*

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