

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No.3856 of 2019
Seema Bibi
Versus
Farid Khan and another

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	06.11.2019	Petitioner in person.

Through the instant writ petition, the petitioner, Seema Bibi, impugns the judgment dated 14.10.2019 passed by the Court of the learned Additional District Judge, Islamabad, whereby the civil revision petition filed by the petitioner against the order dated 24.06.2019 passed by the Court of the learned Civil Judge, Islamabad, was dismissed. Vide the said order dated 24.06.2019, the learned Civil Court dismissed the petitioner's application for summoning the record.

2. The petitioner appeared in person and submitted that the concurrent judgments/orders passed by the learned Courts below are erroneous and have resulted in a miscarriage of justice; and that if the record was brought to the record by the Revenue Officer, the interests of justice would have been served.

3. I have heard the petitioner.

4. The petitioner had moved the application for the summoning of record when her suit was at the evidence stage. It appears that earlier the learned Civil Court had entertained the petitioner's application and had summoned the Revenue Officer who had produced the relevant record and had his statement recorded. The learned Appellate Court has also recorded that the petitioner had pleaded her case herself and had

not been able to convince the Court to re-summon the record. The petitioner was also not able to identify the specific record that she had sought the summoning of.

5. In the case of Muhammad Asghar Vs. Hussain Ahmad, etc. (PLD 2014 Supreme Court 89), the Hon'ble Supreme Court while dealing with similar proposition relied upon the case of Messrs Ilyas Marine and Associates Ltd. Vs. Muhammad Amin Lasania and another (1997 CLC 763), wherein it has been held that:-

“....The Court has the discretion to recall any witness who has already been examined, and put necessary questions to him. This power of recalling the witness can be exercised suo motu by Court or any application moved by any party in the suit, but, this discretion has to be exercised judiciously looking to the circumstances of each case and not to fill the lacuna in the evidence of any party in the suit. The party making such application has to advance reasonable and convincing grounds for recalling the witness and after the Court is satisfied that it was necessary for proper adjudication of the suit then only this discretion is to be exercised.”

(Emphasis added)

6. Finding no jurisdictional irregularity in the concurrent judgments/orders passed by the learned Courts below, the instant petition is dismissed in limine with no order as to costs.

**(MIANGUL HASSAN AURANGZEB)
JUDGE**

Ahtesham*