

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. S-132 of 2023
(Hasnain Shah Vs. Mst. Zeenat Shah & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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- 1. For Orders on office objection.
- 2. For Orders on CMA No. 386/2023 (Ex./ A)
- 3. For Orders on CMA No. 387/2023 (Stay)
- 4. For hearing of main case.

02-02-2024.

Mr. Khan Muhammad Shaikh, advocate for the petitioner.

- 1. Over ruled.
- 2. Granted subject to all just legal exceptions.
- 3 &4. The facts in brief necessary for disposal instant constitution petition are that a suit filed by the respondent for recovery of dower, dowery articles and maintenance, was decreed by learned trial Court, such decree was impugned by the petitioner by filing an appeal, it was dismissed by learned appellate Court as time barred by 66 days, such dismissal of his appeal, the petitioner has impugned before this Court by way of instant constitution petition. On asking, why the appeal was not preferred by the petitioner within time, it was stated by learned counsel for the petitioner that the petitioner was/is serving in Pakistan Army; therefore, he could not file appeal timely on account of refusal of leave to him and being busy in his assignment from one to other place of posting. No such proof is filed, which prima-facie suggests that delay in preferring the appeal on part of the petitioner was willful. In these premises learned appellate Court was right to dismiss the appeal of the petitioner finding it to be time barred miserably, such dismissal is not calling any interference by this Court by way of instant Constitution petition, which even otherwise is appearing to be incompetent as having been filed against a private individual, it is dismissed in limine, with no order as to costs.

Judge

