

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

**Civil Revision Application No. 57 of 2025**

DATE	ORDER WITH SIGNATURE OF JUDGES
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Fresh Case

1. For orders on CMA No.2960/2025 (U/S 149 CPC).
2. For orders on CMA No.2961/2025 (Exemption).
3. For hearing of main case.
4. For orders on CMA No.2962/2025 (Stay).

**28.04.2025**

Mr. Abdus Samad Khan, Advocate for the Applicants.

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**ORDER**

**MUHAMMAD JAFFER RAZA-J**: Learned counsel has filed the instant Civil Revision Application impugning the judgment dated 18.12.2024 passed in Civil Appeal No.240/2024. The said appeal emanated from the judgment dated 04.07.2023 and decree dated 05.07.2023 passed in Civil Suit No. 598/2021.

Learned counsel for the Applicants has stated that the aforementioned Suit was decreed ex-parte in favour of the Respondent for the reason that the said Suit was fixed on a date other than Thursday as according to the learned counsel on Thursday he was present in the Courts of other Districts pursuant to the cases assigned to him. The aforesaid Civil Appeal was filed on 27.09.2024 after a delay of approximately 14 months. Learned counsel in the said Civil Appeal has filed an application under Section 5 of the Limitation Act, 1908 (**“the Act”**), on the ground that the learned trial Court has fixed the case and passed the judgment on a day other than Thursday.

It is settled principle of law that an application under Section 5 of the Act has to be supported by the cogent grounds. The grounds as mentioned by the learned counsel to my mind does not satisfy the reason for delay in filing the Civil Appeal. It is well settled principle of law that delay of each and every day must be individually explained to demonstrate a "sufficient cause" for the delay, as

established by Section 5 of the Act. This explanation needs to be convincing and rational, showing that the delay was not deliberate or negligent. In this respect law laid down in the case of Imtiaz Ali v. Atta Muhammad and another<sup>1</sup>, in which it was held by the Hon'ble Supreme Court that the appeal, having been filed after one day of the period of limitation, had created valuable right in favour of the respondents, and as such even the delay of only one day was not condoned by the Hon'ble Supreme Court as no sufficient cause was found for filing the appeal beyond the period of limitation. In another case of Government of Pakistan through Ministry of Works and another v. Messrs Malbrow Builders, Contractor, Sialkot<sup>2</sup>, the Hon'ble Supreme Court was pleased to hold that the question of limitation being not mere a technicality cannot be taken lightly and the rights accrued to the other party due to limitation cannot be snatched away without sufficient cause and lawful justification.

In light of above I do not find any illegality and infirmity which requires any interference in the judgments passed by the Courts below.

Accordingly, the instant Civil Revision Application along with pending applications is dismissed in limine, with no order as to costs.

JUDGE

Nadeem Qureshi "PA"

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<sup>1</sup> PLD 2008 SC 462

<sup>2</sup> 2006 SCMR 1248