

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

IInd Appeal No. 35 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGES
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Fresh Case

1. For orders on CMA No.655/2025 (U/S 149 CPC).
2. For orders on CMA No.656/2025 (U/S 5 Limitation Act)
3. For orders on CMA No.657/2025 (Exemption).
4. For orders on CMA No.658/2025 (Stay).
5. For hearing of main case.

15.04.2025

Mr. Aamir Zaheer Mirza, Advocate for the Appellant.

ORDER

MUHAMMAD JAFFER RAZA-J: Brief facts of the case are as under:

The Respondent has filed a Civil Suit bearing No.346/2021 with the following prayers:

- a. To grant the possession of the House No.C-49, PIA Society, Gulistan-e-Jauhar, Block No.09, Karachi.
- b. To direct the Defendant to handover the peaceful possession of the suit property bearing House No.C-49, PIA Society, Gulistan-e-Jauhar, Karachi, to the Plaintiff being the lawful owner of the said House.
- c. To grant permanent injunction thereby restraining the Defendant, their agents, colleagues, servants or anybody else acting on her behalf from creating third party interest over suit property viz. House No.C-49, PIA Society, Gulistan-e-Jauhar, Karachi, admeasuring 120 sq. yards in any manner without due course of law.
- d. To award cost of the suit and any other relief in circumstances of the case may be granted.

The said suit was decreed in favour of the Respondent vide judgment and decree dated 13.01.2024. The said judgment was impugned by the Appellant/Defendant by filing Civil Appeal No.141/2024 and the same was dismissed on the ground of limitation vide judgment and decree dated 07.10.2024.

I have heard learned counsel for the Appellant and perused the record. The Appellant/Defendant applied for certified copy of judgment and decree of the trial Court on 03.02.2024, fee was estimated on 06.02.2024 which was paid on 07.02.2024 and the copy was ready on 09.02.2024, however, the copy was received by the Appellant/Defendant on 19.04.2024 after approximately two (02) months of passing of the impugned judgment and decree by the trial Court. From the record it appears that no ground was taken by the Appellant/Defendant for condonation of delay except that the judgment and decree is void. It appears that the application for condonation of delay was filed and the same was dismissed by the learned appellate Court. I do not find any illegality and infirmity which requires any interference in the orders passed by the Courts below.

Accordingly, the instant second appeal along with pending applications is dismissed in limine, with no order as to costs.

JUDGE

Nadeem Qureshi "PA"