

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Civil Revision No. S – 34 of 2010

(Muhammad Bachal Rajri v. Mst. Satbhrai)

Date of hearing & order : 16.04.2025

None present for the applicant.

ORDER

Zulfiqar Ahmad Khan, J. – The present Civil Revision was filed on 23.02.2010 and was listed before this Court for the first time on 21.01.2013. On that date, a brief was held for Counsel for the applicant, and an adjournment was sought on his behalf. Thereafter, the matter was taken up on 04.10.2013 and again on 28.11.2014, on both of which dates no one appeared on behalf of the applicant. Finally, on 12.01.2015, the case was called twice; however, neither the applicant nor his Counsel appeared before this Court. Consequently, the Civil Revision was dismissed for non-prosecution.

2. The applicant filed the instant application for restoration of the Civil Revision on 15.07.2024, after an inordinate and unexplained delay of more than 09 years from the date of dismissal. The sole ground urged in the application is that the applicant remained unaware of the dismissal of the Civil Revision for non-prosecution on 12.01.2015. It is noteworthy that even after filing the restoration application, the applicant has not demonstrated due diligence, as the matter was earlier listed on 30.08.2024, when, once again, there was no appearance on behalf of the applicant, and today also is the same position.

3. It is observed that in many cases, once the suit is decreed in favour of the plaintiff and the appeal is also dismissed, the defendant side tends to file civil revisions merely to prolong the litigation and avoid execution of the decree. Such practice reflects an intent to frustrate the decree-holder's lawful entitlement. Filing of civil revisions without due diligence and allowing them to linger for years, as in the present case, shows a

reluctance to comply with the decree. It is also pertinent to note that if execution proceedings were pending, the trial Court should have proceeded with the same on merits, without being prejudiced by the mere pendency of the Civil Revision, unless a specific stay had been granted.

4. It is significant to note that the Civil Revision remained pending before this Court for nearly 05 years, during which neither the applicant nor his Counsel demonstrated any initiative to advance the proceedings or to have requisite notices issued. Following its dismissal for non-prosecution on 12.01.2015, the applicant remained completely indolent and failed to take any remedial steps for an extended period exceeding 09 years, before belatedly approaching this Court through the present restoration application.

5. There is no specific provision under the Limitation Act dealing with restoration of a civil revision dismissed in default. Therefore, Article 181 of the First Schedule to the Limitation Act is attracted, which prescribes a period of 03 years for applications for which no period of limitation is provided elsewhere in the Schedule. The limitation begins to run from the date on which the right to apply accrues, which, in this case, from 12.01.2015.

6. In view of the above, the restoration application is clearly barred by time. Moreover, the applicant's conduct throughout the pendency of the Civil Revision and after its dismissal shows gross negligence and lack of diligence. Accordingly, the restoration application, being time-barred and devoid of merit is **dismissed** along with urgent application. Let a copy of this order be sent to the concerned trial / executing Court for information and proceeding further as to the execution application, if pending, as per above discussion.

J U D G E