

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Civil Revision Application No.S-483 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on M.A No.539/2024.
- 2. For orders on M.A No.540/2024.
- 3. For hearing of main case.

06.08.2025

Barrister Jawad Ahmed Qureshi, advocate for the applicants.
Mr. Mir Muhammad Nohri, advocate for the respondent No.1.
Mr. Muhammad Shareef Solangi, Assistant A.G Sindh.
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Through this Civil Revision Application, counsel for the applicants has impugned the order dated 20.10.2024 wherein the application filed by the counsel for the plaintiff under section 5 of the Limitation Act was allowed. Being aggrieved, the instant application was filed by the respondents/applicants No.1 to 5.

Per learned counsel, in fact the suit was time barred and filed after 35 years and the suit was dismissed even the appeal was filed which was also time barred more than 05 days. Learned Judge after hearing the counsel for the plaintiff, passed the order only *“Heard & allowed”*. He further submits that if any order was passed by the learned Judge, it is the requirement of law that notice be issued to the respondents and if any order was passed by the learned Judge, the same shall be reasonable and speaking order should be passed by learned Incharge District Judge, Tharparkar at Mithi but the learned Judge has passed the order only *“Heard & allowed”*. The requirement of law is that no one should be condemned unheard. He lastly prayed that impugned order be set-aside

and case be remanded back to the trial court for hearing afresh after issuing notices to all concerned. Such proposal is not opposed by the counsel for the respondent No.1 and so also learned AAG.

In view of above, by consent, the impugned order dated 20.10.2024 is set-aside and the case is remanded back to the trial court for hearing. It is made clear that that application under section 5 of the Limitation Act deemed to be pending before the trial court with direction to learned District Judge, Tharparkar at Mithi to decide the same after issuing notices to the respective parties and proper opportunity be provided to the parties and pass a speaking order.

The instant Civil Revision Application stands disposed of alongwith listed applications.

JUDGE

Faisal