

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

R.A. No.296 of 2010

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on CMA 2408/2019 (Limitation)  
For orders on CMA 2409/2019 (9 Rule 9)

**25.02.2025**

None present.

CMA 2409/2019 is an Application under Order IX Rule 9 CPC for restoration of the matter, which was dismissed for non-prosecution on 11.10.2018. Along with this CMA, another CMA 2408/2019 has been filed u/s 5 of the Limitation Act seeking condonation of delay in filing the restoration Application, which was filed on 02.05.2019. Along with the Application, an Affidavit has been filed by Mst. Asma Irfan widow of the deceased Applicant Muhammad Irfan, who has stated that her husband / applicant was murdered on 21.08.2015 and in this regard FIR was also lodged in Crime No.133 of 2015. The Applicant left behind minors and the widow as his legal heirs. This matter was dismissed for non-prosecution on 11.10.2018 and the present Applicant/Widow came to know about the same on 02.11.2018, whereafter she engaged a Counsel and filed the present applications wherein it has been prayed that the matter may be restored. These applications are pending since the year 2019 and keeping in view the principles laid down in the case of ***Haji Musharraf Mahmood Khan (deceased) through L.Rs v. Sardarzada Zafar Abbas*** (PLD 2024 Supreme Court 588), wherein time limitation for restoration of a Revision Application under Article 181 of the Limitation Act is held to be 3 years, so also keeping in view the fact that the rights of minors are also involved in the matter, sufficient cause has therefore been furnished, hence the present applications are allowed, the Order dated 11.10.2018 is recalled and the Revision Application is restored to its original position along with all applications. Issue intimation notice to the Applicant's widow and her Counsel for 18.03.2025 for bringing on record the legal heirs of the deceased Applicant.

J U D G E

