

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

R.A. No.59 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
	For hearing of C.M.A. No.1883/2024 (restoration application U/S 151 CPC).

06.02.2025

Mr. Shahriyar, Advocate for applicant.
==

No one is present on behalf of the respondents despite notice on the last date of hearing. The learned counsel for the applicant states that on 18.12.2023, the earlier counsel of the applicant was busy before another bench, therefore, could not attend the Court hence the matter was dismissed for non-prosecution. On query from the Court as to why restoration application has been filed after a delay of more than four months, learned counsel relies upon the case of Haji Musharraf Mahmood Khan (deceased) through L.Rs v. Sardarzada Zafar Abbas [PLD 2024 Supreme Court 588], and states in view of the dicta laid down in the said judgment, since article 181 of the Limitation Act would apply and therefore the application for restoration is within time. Considering the above and in the interest of justice and solely to conclude this matter on merits instead of technical knock-out, application for restoration is allowed and the revision application is restored to its original position as it was before its dismissal. Adjourned.

JUDGE

Muhammad Danish *