

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
IIInd Appeal No. 183 of 2021

Date	Order with Signature of Judge
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1. For order on office objection
2. For hearing of MA No.4129/2024
3. For hearing of main case

20.01.2026

None present

None present on behalf of the appellant. No intimation is received.

The appellant/Muhammad Saleem is aggrieved by the judgment dated 30.08.2016 and decree dated 06.09.2016 passed by XVIth Senior Civil Judge Karachi South. However, when the appellant challenged the said judgment and decree before the VIth Additional District Judge Karachi South, the learned Appellate Judge came to the conclusion that the appeal was time barred by six (06) days under the Limitation Act. No sufficient cause was shown and/or demonstrated by the appellant and the learned VIth Additional District Judge proceeded to pass the impugned appellate Judgment dated 08.03.2021.

The certified copy of Ist Appeal filed and placed on record of this lis indicates that while the Appellate Court passed the appellate Judgment dated 08.03.2021, the appellant filed an application for certified copy after almost 112 days on 01.07.2021. Cost was estimated on 10.07.2021 and deposited by the appellant/plaintiff on 17.07.2021. Thus further six (06) days are to be added to the overall delay in filing of the IIInd Appeal, i.e., 112 days + 6 days = total 118 days. Thereafter, when the copy was delivered on 19.07.2021 and the Ist Appeal was filed on 11.08.2021, the challenge to the Appellate Court's judgment filed in appeal was barred by more than 120 days. The appeal against the trial Court's Judgment is barred by six (06) days, whereas the IIInd Appeal challenging the appellate Court's judgment is time barred upto starting of summer vacations of the High Court as well as overall barred by more than 120 days. Yet no condonation application has been filed by the appellant/plaintiff. It is apparent from the record that the appeal which was first instituted before VIth Additional District Judge was barred by time and so is this IIInd Appeal. On both occasions, no application for condonation of delay was moved by the appellant/plaintiff nor was any cogent reason submitted by the appellant/plaintiff as nothing is available on record, neither mentioned nor set out in the memo of appeal.

Given the above reason, I do not find any defect in the impugned Judgment. Accordingly, this IIInd Appeal is dismissed for the above reasons.

J U D G E

Ashraf