

IN THE HIGH COURT OF SINDH CIRCUIT COURT
LARKANA

Civil Revision Application No. S-85 of 2023

Before:

*Mr. Justice Muhammad
Osman Ali Hadi.*

Applicant : Fayaz Hussain son of Ghulam Nabi Jatoi,
in person.

Respondent No.1: Muhib Ali son of Abdul Hakeem Gopang,
through Mr. Mazhar Ali Bhutto, Advocate.

Respondent No.2: Through Mr. Saeed Akbar Siyal,
Assistant A.G.

Date of Hearing : 19.10.2026
Date of Order : 19.10.2026.

ORDER

Muhammad Osman Ali Hadi.- The Applicant has challenged the Impugned Judgments / Orders dated 16.12.2022, 05.04.2023 & 16.05.2023 respectively, whereby his Suit for Malicious Prosecution was dismissed by the Trial Court (vide Judgment dated 16.12.2022), which was upheld by the Judgment of the Appellate Court (vide Judgment dated 05.04.2023 and Order dated 16.05.2023 in which his application for including his written arguments be included was dismissed).

2. The Applicant submits the Applicant had filed a Suit for Malicious Prosecution against the Respondent No.1, but same was wrongly dismissed by the Trial Court; and its Appeal was dismissed by the Appellate Court. He submits that the Applicant was charged under criminal proceedings, but was acquitted on 30.04.2014. He further contended that the acquittal was outright, and that there was not even a

question of any doubt. He avers that the Respondent No.1 has maliciously invoked separate proceedings against him, and that the Suit filed by him ought to have been decided in his favour, but was not, and therefore the Impugned Judgments were erroneous.

3. Learned counsel for the Respondent No.1 submits that the Impugned Judgments below are correct, and that the suit for Malicious Prosecution filed by the Applicant had a limitation period of one (1) year as per Article 123 of Limitation Act 1908, which date was to run from 30.04.2014 (date of the Applicant's acquittal); but the said Suit was filed approximately eight (8) years belatedly in the year 2022, and therefore was rightly held to be time barred. He further contended the Applicant has not been able to show any other proceedings filed by Respondent No. 1 against him, which would merit or fall within the ambit of malicious prosecution. Counsel then referred to certain proceedings filed by the instant Respondent No.1 against the Applicant before this High Court, in which Respondent No. 1 was granted certain protection orders safeguarding him against harassment by the Applicant, which (as per counsel) shows that it is in fact the Respondent No. 1 who is being unlawfully pursued by the Applicant. He concludes that the Impugned Judgments below are correct and do not require interference, and that the instant Civil Revision Application ought to be dismissed.

4. Learned Assistant Advocate General Sindh supported the Impugned Judgments below and submits that the Revisional Jurisdictional of this Court is supervisory in nature and limited in scope,

and that the Applicant has failed to show any reason requiring invocation of the same. He accordingly submits that the instant Civil Revision Application is liable to be dismissed.

5. The Applicant has exerted his right of rebuttal, and submits that whilst the Impugned Judgment passed by the Trial Court was related to limitation, he submits that the limitation is a mere technicality, and the matter ought not have been decided on such basis. He contends that the facts of the case should be heard and a decision be given on such basis.

6. I have heard the Applicant and Counsels, and with their assistance gone through the Impugned Judgments. There is no cavil that the Applicant was acquitted against charges on 30.04.2014, and that he filed his suit for Malicious Prosecution in the year 2022, i.e. nearly eight years after. There is also no dispute between the Parties that suits for malicious prosecution are governed under Article 123 of the Limitation Act 1908, which provides one (1) year for filing of such suit, from the date of acquittal or when the prosecution is terminated. The Applicant has admittedly not filed his suit within the period of one year as prescribed by statute. Furthermore, the Applicant's contention that limitation is a mere technicality is misguided. It is settled law that limitation cannot be considered a mere technicality, as certain rights accrue, which cannot be displaced at random.¹ The concerned statute (i.e. the Limitation Act in the instant matter) has provided a specific

¹ Reliance is placed on **2025 SCMR 930; PLD 2024 SC 1268; PLD 2024 SC 698; PLD 2023 SC 482**

provision / limitation-period which must be followed, and for which the Applicant has not provided any legal rationale to disregard.

7. Furthermore, even otherwise, the Applicant has failed to bring anything on record which can substantiate grounds for interference with the Impugned Judgment(s) below under the Revisional Jurisdiction of this Court. The Impugned Judgment(s) have been passed after due process was followed. Accordingly, this instant Civil Revision Application stands dismissed.

JUDGE

Irshad Ali M/Steno