

THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Zulfiqar Ali Sangi

C.P. No. S – 1111 of 2026

[Muhammad Afzal v. Maria Tariq & others]

Petitioner : Muhammad Afzal son of Haider Ali,
through Mr. Muhammad Bashir
Shakeel, Advocate.

Date of hearing : 26-10-2026

Date of decision : 26-10-2026

ORDER

Zulfiqar Ali Sangi J.- Case of Petitioner is that the Respondent No.1, herein filed a suit for recovery of dowry articles, dower amount and maintenance and gold ornaments before the learned XII Civil Judge, Karachi (South). After framing the issues, the Court decreed the suit vide judgment and decree 15-05-2025. The Petitioner then filed an application under Section 12(2) CPC to set aside the judgment and decree, alleging fraud, misrepresentation and concealment of facts. By order dated 26-02-2026, the Family Court dismissed it by observing that the Petitioner had filed his written statement and affidavit-in-evidence, had entered the witness box and had contested the suit fully, after which it was decided on merits. It found no substantial ground showing the decree was obtained by fraud, misrepresentation or concealment, and no legal basis under Section 12(2) CPC.

2. The Petitioner challenged the judgment and decree dated 15-05-2025 by filing Family Appeal No.138 of 2025 before the learned XIIth Additional District Judge, Karachi. By order dated 24-07-2025, the Appellate Court dismissed the appeal in *limine* as time-barred under Section 14 of the Family Courts Act, 1964 and Rule 22 of the Family Courts Rules, 1964. The Petitioner moved an application for recalling that order, which was allowed on 19-08-2025, and the appeal was restored for hearing. In the appeal, the Petitioner had filed an

application under Section 5 of the Limitation Act for condonation of delay, by pleading that his previous counsel had not disclosed the limitation period. The Appellate Court did not accept the grounds raised, dismissed the condonation application moved under Section 5 of the Limitation Act and consequently dismissed the appeal as time-barred; hence the present petition.

3. I have heard the counsel for the Petitioner and perused the available record.

4. Admittedly, the Petitioner contested the suit in full before the Family Court by filing his written statement and evidence and appearing as a witness and the decree was passed on merits after hearing both sides. The Petitioner's application under Section 12(2) CPC did not identify any fraud, misrepresentation or concealment of the kind the provision requires and the Family Court rightly dismissed it. Further, the Section 14 of the Family Courts Act, 1964 prescribes a strict limitation period for appeals. A party seeking condonation under Section 5 of the Limitation Act must explain each day of delay with sufficient cause. A bare assertion that the previous counsel did not disclose the limitation period is not sufficient cause. Such a plea, by itself, does not automatically entitle a litigant to condonation, which remains subject to the applicable law and the facts and circumstances of the case. The Appellate Court's order dismissing the application under Section 5 of the Limitation Act and the time-barred appeal is therefore well within the law. It discloses no illegality, jurisdictional defect, misreading or non-reading of evidence, or other infirmity warranting interference by this Court in its constitutional jurisdiction. The Petitioner has attempted through successive proceedings to reopen a decree that was passed on merits after full contest. Accordingly, the petition is without merit and is dismissed in *limine*, along with pending application(s), if any.

JUDGE

SHABAN*