

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Civil Revision Application No.S-04 of 2007

Date	Order with signature of Judge
	1. For orders on office objection-A.
	2. For orders on CMA No.920/2024. 151 CPC.
	3. For orders on CMA No.14/2023. S/A.
	4. For hearing of main case.

26.10.2026.

Mr. Ghulam Dastagir Shahani, Advocate for the Applicant.

Mr. Abdul Rehman Bhutto, Advocate for the Respondent No.7.

Mr. Abdul Waris Bhutto, Asstt. Advocate General.

This matter has been pending since the year 2007. It has come up for hearing today when the learned counsel for the Respondents has pointed out that instant Civil Revision Application is time barred and beyond the period of limitation.

The learned counsel for the Applicant states that the Decree was passed on 28.9.2006¹, after which they applied for certified copy of the Decree on 16.10.2006.

Counsel then states that the said copy was made ready on 30.10.2006 and the instant Revision Application was filed on 27.01.2007, and therefore as per Counsel for the Applicant, the entire time-period was a total of 104 days. He submits that all the days have been accounted for. His basic assertion is that the time for limitation would run from 30.10.2006, with the exception of 17 days (i.e. from 29.09.2006 – 15.10.2006 which is the time period prior to him applying for a certified copy of the Decree).

He contends that only a delay of 14 days remains, which remains unaccounted for, and the same should be condoned as per Counsel it is a short period and the ought to be decided on merits.

Learned counsel for the Respondents has opposed the assertions made by the Applicant and states that this matter is time-barred, which

¹ Available at Page-39 of the file.

cannot be condoned at this stage. He further has referred to CMA No. 920 of 2024, vide which the Applicant has filed an application under section 151 Code of Civil Procedure 1908 (“CPC”) seeking condonation of delay. He contends that the said application was filed in the year 2024, and not along with the Civil Revision Application in year 2007, therefore such lethargy on behalf of the Applicant cannot be condoned. He continued that as per law only 90 days are allowed for filing of a Revision Application which was not done in the instant matter, and therefore the instant application is liable to be dismissed.

I have heard learned counsel and find as follows:-

- A. The instant Civil Revision Application was admittedly instituted on 27.01.2007.
- B. Section 115 of the Code of Civil Procedure 1908 has specifically provided the limitation period for filing of a Revision Application to be ninety (90) days from the date of decision of the subordinate Courts.
- C. The Impugned Judgement & Decree under challenge are dated 20.09.2006 and 28.9.2006 respectively. On a regular course, the time-period would commence from three days after the Decree was passed, i.e. from 2nd October 2006, for which the 90-day limitation period would terminate on 1st January 2007.
- D. Even if the calculations made by the Applicant was accepted (which are not), he still admits there was a [unexplained] delay of seventeen (17) days in filing of the Revision Application.
- E. Limitation is not to be considered a mere technicality, and it creates certain rights.² This matter has been pending without progress for over nineteen (19) years, which would have no doubt needlessly caused undue concern for the Decree holder.
- F. The fact that the Applicant did not file or seek any condonation for delay until the year 2024 also illustrates a callous attitude

² Reference can be made to *Akhtar Nasir Ahmad's* case **PLD 2024 SC 1268**

towards the proceedings on their part. Moreover, they have not provided any grounds or *bona fide* reason for condoning their tardiness in the matter.

G. Accordingly for reasons abovementioned, I find that this Civil Revision Application is barred by limitation and is hereby dismissed.

JUDGE

S.Ashfaq/-