

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**  
**C.P.No.D- 17 of 2017**

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DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders as to non-prosecution of M.A No.10997/2019

28.11.2019

Petitioner present in person

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The petitioner by way of listed application has prayed for restoration of his petition, which was dismissed by this Court for non-prosecution on 10.10.2019.

2. It is contended by the petitioner that he could not appear before this Court on 10.10.2019 as he being ill has gone to attend his doctor for treatment of his throat infection. By contending so, he sought for restoration of his petition to its regular hearing for the reason that his absence on the fateful date was not willful but beyond his control and in order to prove his illness he has produced the medical certificate issued by Dr. Muhammad Farooq Bashani.

3. On being asked, the petitioner was fair enough to admit that he was treated by his Medical Officer as outdoor patient. No affidavit of the Medical Officer has been brought on record by the petitioner to prove the correctness of medical certificate. Be that as it may, if the petitioner was able to attend his doctor/medical officer for treatment of his throat infection on the fateful date as outdoor patient, then it was easy for him to have attended this Court for hearing of his petition. It was not done by him without lawful justification, which has put the petitioner within ambit of negligent litigant. No valid reason is advanced by the petitioner which may

justify to restore his petition at the cost of precious time of this Court, which is already overburdened by way of listed application, which even otherwise is fixed for non-prosecution on account of failure of the petitioner to supply its copies for issuance of its notice to other side.

4. Consequent upon above discussion, the listed application is dismissed accordingly.

JUDGE

JUDGE

Sajjad Ali Jessar