

Order Sheet
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Civil Revision No. S – 111 of 2010

Date	Order with Signature of Hon'ble Judge
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Hearing of case (Priority)

1. For hearing of CMA 451/2010.
2. For hearing of main case

24-01-2022

Mr. Shafqat Rahim Rajput, Advocate for the Applicants.
Mr. Nisar Ahmed Bhanbhro, Advocate for Respondents No.2 to 4.

Office has placed R&Ps of the Appellate Court, as directed on the last date of hearing. It appears that the Appeal filed by the private Respondents was admittedly time barred and such condonation application was also filed under Section 5 of the Limitation Act.

Both learned Counsel admit that learned Appellate Court failed to decide this aspect of the matter and it seems that the Appeal was admitted without passing any order on the application under Section 5 (*ibid*). The delay, as informed, is approximately 69-days and therefore this Court is left with no choice, but to set aside the impugned Judgment dated 10.04.2010, passed by learned Appellate Court i.e 2nd Additional District Judge, Khairpur in Civil Appeal No.28 of 2010 and refer the matter back to the Appellate Court, who shall first decide the condonation application and thereafter if the application is allowed, Appeal be heard on merits and decided accordingly.

With these observations, this Civil Revision stands disposed of. Let such exercise be carried out by the Appellate Court preferably within a period of 90-days from today. Office to return back the R&Ps to the Appellate Court with copy of this Order for compliance.

JUDGE

Ahmad