

ORDER SHEET  
IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD.

R.A. No.87 of 2008

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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For hearing of CMA-2151/22 (limitation)  
For hearing of CMA-2152/22 (restoration)

**27.05.2022**

Mr. Bharat Kumar Sothar advocate holds brief for Mr. Agha Waqar Ahmed, advocate for the applicants.  
Mr. Rustam Khan Talpur, advocate for the respondents.  
Mr. Wali Muhammad Jamari, Asstt. A.G.

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1. A brief is held for counsel for the applicant, who is not feeling well. Learned counsel for the respondents Mr. Talpur points out that this Court has already disposed of this case after hearing the parties on 16.04.2021 and the instant application seeking restoration has been filed along with an application under section 5 of the Limitation Act, which is delayed for four (04) months and seven (07) days, for which no satisfactory reasoning has been provided.

It is an admitted position that a Court is saddled with sacred duty to dispense justice amongst the litigating parties and to let the case proceed on merits by ignoring the technicalities, in this regard, I agree that while there is no cavil to the proposition that a Court is duty bound to administer justice and has power to condone delay, but not at the cost of adverse party whose rights have matured once limitation has expired. Such view is in consonance with the dictum laid down in the case of Lt. Col. Nasir Malik versus Additional District judge Lahore, reported as 2016 SCMR 1821 where it has been made incumbent on the defaulting party to justify each and every day of delay in an application seeking condonation and in the absence of a plausible explanation, any application for condonation is liable to be dismissed. In the present circumstances, I am of the view that

the applicant has been unable to justify the delay in filing the present application as no cogent, plausible or sufficient reasoning is given for the delay that could have compelled me to condone such a lengthy delay. In the facts and circumstances of the present case where no sufficient grounds are made out to condone the admitted delay for the reasons enumerated supra, the Condonation Application (CMA-2151/2022) is hereby dismissed.

2. As an outcome of the above, instant application turns out to be not maintainable, hence dismissed.

JUDGE