

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
H.C.A. No.150 of 2018

Date	Order with Signature Of Judge
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- 1.For order on CMA No.15/2021
- 2.For order on CMA No.16/2021
- 3.For order on CMA No.17/2021

07.01.2021.

Mr. Rafeo Fazal Junejo, advocate for appellant.

1. Granted.

2&3. These applications have been filed for recalling of order dated 05.10.2020 whereby instant appeal was dismissed for non-prosecution and so also for condonation of delay in filing these applications.

Learned counsel for the appellant, who has now been engaged, submits that the counsel earlier representing the appellant had failed to pursue the matter and never informed the appellant about the proceedings; whereas, no notice of hearing was ever issued to the appellant.

Record reflects that since filing of this appeal nobody had turned up on 22.05.2018, 24.12.2019 and finally on 05.10.2020, on which date, the appeal was dismissed. As to the arguments of appellant's Counsel, we are afraid, this is not a ground for recalling the order of dismissal and restoration of the appeal as it is a matter between the appellant and his Counsel, whereas, from perusal of affidavit in support of such applications, we do not find any justifiable reason to entertain these applications. It is settled that Law assists the vigilant even in causes most valid and justiciable. Similarly, fixation of cases before Benches entails public expense and time, that must not be incurred more than once in the absence of a reason most genuine and compelling¹. Accordingly, both these applications, being misconceived, are dismissed in limine.

JUDGE

JUDGE

¹ Order dated 27.10.2020 by the Hon'ble Supreme Court in SECP V Nadeem H. Shaikh Criminal Appeal No.518 of 2010