

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Civil Revision Application No.S- 167 of 2020

Hearing of Case

- 1.For orders on office objection
- 2.For orders on CMA 936/2020
- 3.For hearing of main case
- 4.For orders on CMA 937/2020
- 5.For orders on CMA 938/2020

Mr. Shoaib Niaz Khaskheli Advocate for the Applicants.

Date of Hearing: **11-10-2021**

Date of Decision: **11-10-2021**

Mr. Rana Hafiz Tanveer Ahmed Advocate has filed his Vakalatnama on behalf of the Respondent No.1, which is taken on record.

It appears that there are various office objections in this matter including objection regarding limitation, as according to the office, this Civil Revision Application is time barred by 159 days. While confronted, Counsel for the Applicants has relied upon Circular dated 22.03.2020 and submits that due to Covid-19 restrictions, limitation period was extended and subsequently another Circular was issued on 23.8.2020; hence delay, if any, is liable to be condoned in view of these Circulars. He has further argued that the Applicants have good case on merits, therefore, delay be condoned.

I have heard Counsel for the Applicants on the issue of limitation and perused the record. It may be observed that admittedly this Civil Revision Application is time barred as reported by the office. The only question is that whether, the delay can be condoned as contended. It appears that impugned Judgment was passed by the Court of Additional District Judge, Mirwah on 26.02.2020, whereas, Applicants applied for the certified copy on 05.10.2020 and the cost was estimated on the same date, whereas, copy

was ready on 10.10.2020 and was also issued to the Applicants, and this Civil Revision Application was filed on 02.11.2020. In that case, reliance on Circulars issued by the Registrar of this Court in relation to the Covid-19 restrictions and the difficulties faced by the litigants would not apply *per-se* on the given facts. The Applicants by themselves had chosen not to make any application for issuance of certified copy as soon as the Judgment was announced; as the first Circular was issued on 22.03.2020. Similarly, the condonation of delay and enlargement of time was extended by another Circular dated 15.04.2020 (and not 23.8.2020 as relied by the petitioners Counsel) from 22.03.2020 till 30.04.2020 and admittedly thereafter no further concession was granted. Even if further extension had been granted, the Applicants' case is hopefully time barred by the Applicants' own conduct as the application for issuance of certified copy was submitted on 5.10.2020, whereas, Judgment was announced much prior to Covid-19 on 26.02.2020, therefore, no case for indulgence is made out. It is settled law, that while seeking condonation in time barred cases, delay of each day has to be explained, and that too with sufficient cause. Here, no sufficient cause has been explained, whereas, the Revision is hopelessly time barred, therefore, the application for condonation of delay bearing CMA No.938 of 2020 merits no consideration; hence the same is dismissed. As a consequence thereof, this Civil Revision Application being time barred is also dismissed with pending applications.

Ahmad

J U D G E