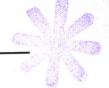


ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI High Court Appeal No.181 of 2018



Order with Signature of Judge(s)

- 1. For order on CMA No.1609/18 (U/S 5)
- 2. For order on office objection/reply at "A".
- 3. For order on CMA No.1610/18 (Ex/A)
- 4. For hearing of main case.
- 5. For hearing of CMA No.1611/18 (Stay)

12.02.2019.

Ms. Durdana Tanveer, Assistant Attorney General for Pakistan for the appellant.

This High Court Appeal has been filed on behalf of the Federation impugning the judgment (dated 06.02.2018) and decree (dated 22.02.2018) passed by the learned Single Judge in Suit No.754 of 2005. At the very outset, it is seen that the matter is hopelessly time barred and no plausible reason has been furnished vide application moved in this behalf. It is further noted that the instant High Court Appeal has been filed by an incompetent person who was authorized to file the appeal on 24.05.2018 whereas he filed the appeal on 19.05.2018 and the point remained totally unanswered as to how this High Court Appeal has been filed by an unauthorized person. Ample opportunity was provided to the DAG Office to satisfy with regard to inherent defects in the instant High Court Appeal vide order dated 17.08.2018 but it is noted that in spite of giving chances and opportunities no plausible explanation has been furnished with regard to filing of appeal by an unauthorized person, non-compliance of Order XLIII CPC and that the matter is hopelessly time barred. It is a settled principle of law that no preferential treatment is given to the government authorities if palpably their appeal is not maintainable. In view of the inherent defects noted above, which are neither curable nor any effort was made to cure these defects, this High Court Appeal is not maintainable, therefore, the same is dismissed in limine alongwith all the listed applications.

12/2/13/2/13.

Judge