

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

R.A. No.190 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
	For hearing of M.A. No.1264/2017. For hearing of main case.

25-03-2022

Mr. Talib Khan Bhatti advocate for the applicant.
Mr. Wali Muhammad Jamari, Assistant Advocate General.

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Despite notice none has affected appearance on behalf of respondents. This appeal has been filed against the impugned order at page 35 where application for restoration of appeal which was dismissed on account of absence of counsel was also dismissed on the back of the counsel for the appellant. Learned counsel for the applicant submits that appeal is valuable right and when matter was fixed for objections on the restoration application, the appellate Court in all fairness should have waited for objections rather having dismissed it in limine as Hon'ble Supreme Court has held in the case of *FARMAN ULLAH vs. LATIF-UR-REHMAN (2015 SCMR 1708)* that the cases be decided on merit if there is *lis* between the parties. It appears that valuable right of applicant has been withheld through the impugned order. Accordingly, this revision application is allowed by directing appellate Court to proceed with the appeal in accordance with law, which has been restored at the stage on which it was dismissed on 20.07.2017.

JUDGE

Irfan Ali