

**ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

C.P.No. S- 46 of 2023

(Imtiaz Hussain v. P.O Mst. Aisha Begum and others)

Date of hearing	Order with signature of Judge.
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For Hearing

- 1.For orders on office objections.
- 2.For orders on CMA 160/23
- 3.For orders on CMA 161/23
- 4.For hearing of main case.

24-03-2023

Mr. Pervez Ali Maitlo, Advocate for the petitioner.
Mr. Noor Hassan Malik, Assistant A.G.

Through instant Petition, the petitioner has impugned the order dated 24.02.2023, whereby learned Additional District Judge, Mirwah dismissed an application filed by the petitioner under Section 5 of the Limitation Act in Family Appeal No.61 of 2022, preferred against the judgment and decree dated 29.03.2022, passed by Family Judge-II, Mirwah in Family Suit No.16 of 2018.

2. It is a matter of record that the trial Court passed the judgment and decree on 29.03.2022. The petitioner filed an application for certified true copy of the same on 05.04.2022 and received the same on 15.04.2022, yet he filed Family Appeal on 28.05.2022 after delay of 20-days. As per learned counsel, the petitioner was on emergency duty, therefore, he could not file Family Appeal within stipulated period. It is, however, matter of record that the petitioner failed to produce any evidence before the Appellate Court to establish that he was busy on any 'emergency duty'. Even no such documentary evidence, the petitioner has annexed with the instant Petition. Hence, learned

Appellate Court rightly dismissed the application filed under Section 5 of the Limitation Act vide impugned order, which suffers from no material illegality or irregularity requiring any interference of this Court in its constitutional jurisdiction under Article 199 of the Constitution. Hence, this petition being devoid of any merit stands **dismissed** along with pending applications.

JUDGE

Ahmad