

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

R.A. No.57 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders on CMA 1552/2023
For orders on CMA 1910/2023
For orders on CMA1553/2023
For hearing of main case

31.10.2023

This *admittedly* time barred revision is accompanied by an application under section 5 of the Limitation Act 1908, seeking to condone a delay of 35 days¹. Perusal of the affidavit in support thereof demonstrates that the only ground taken is the following:

That after passing the Judgment & Decree dated 26.10.2022 the Respondent No.1 gave hopes for Faisla& which were held many time before the notable persons of the community, therefore, we didn't filed Revision Application on time which is bonafide mistake & yesterday Respondent refused, therefore, this Honourable Court may be pleased to condone the one day delay for filing Civil Revision.

This was the only ground pleaded in the affidavit and the arguments of the learned counsel made no effort to supplement the same. It is the considered view of this Court that the ground invoked is devoid of qualifying merit.

The law requires Courts to first determine whether the proceedings filed there before are within time and the Courts are mandated to conduct such an exercise regardless of whether or not an objection has been taken in such regard². The Superior Courts have held that proceedings barred by even a day could be dismissed³; once time begins to run, it runs continuously⁴; a bar of limitation creates vested rights in favour of the other party⁵; if a matter was time barred then it is to be dismissed without touching upon merits⁶; and once limitation has lapsed the door of adjudication is closed irrespective of pleas of hardship, injustice or ignorance⁷. In the present case the delay has not been adequately explained or justified, hence, no case for is made out to condone the delay, therefore, CMA 1910/2023 is hereby dismissed. As a consequence the present revision is found to be time barred, therefore, dismissed *in limine* along with listed applications.

Judge

¹Per memorandum of application of CMA 1910 of 2023.

²*Awan Apparels (Private) Limited & Others vs. United Bank Limited & Others* reported as 2004 CLD 732.

³2001 PLC 272; 2001 PLC 143; 2001 PLC 156; 2020 PLC 82.

⁴*Shafaatullah Qureshi vs. Pakistan* reported as PLD 2001 SC 142; *Khizar Hayat vs. Pakistan Railways* reported as 1993 PLC 106.

⁵*Dr. Anwar Ali Sahito vs. Pakistan* reported as 2002 PLC CS 526; *DPO vs. Punjab Labour Tribunal* reported as NLR 1987 Labour 212.

⁶*Muhammad Tufail Danish vs. Deputy Director FIA* reported as 1991 SCMR 1841; *Mirza Muhammad Saeed vs. Shahabudin* reported as PLD 1983 SC 385; *Ch Muhammad Sharif vs. Muhammad Ali Khan* reported as 1975 SCMR 259.

⁷*WAPDA vs. Aurangzeb* reported as 1988 SCMR 1354.