

THE HIGH COURT OF SINDH KARACHI

C.P. No. D – 2026 of 2020

[Muhammad Asif versus Federation of Pakistan & others]

Petitioner : Muhammad Asif son of Abdul Sattar Shaikh, through Mr. Altaf Ahmed Shaikh, Advocate.

Respondents 1, 2 & 4 : Nemo.

Respondent 3 : K-Electric through Mr. Haroon Shah, Advocate.

Date of hearing : 03-10-2023

Date of order : 03-10-2023

ORDER

Adnan Iqbal Chaudhry J. - CMA No. 17518/2023, an application for review, has been placed before me as the remaining member of the Bench that had passed the order dated 13-07-2020 as the other member has since retired.

Counsel for the petitioner/applicant submits that due to a typographical error in the memo of petition in the name of the Petitioner's father, mentioned as "*Abdul Sattar Shaikh*" instead of "*Abdul Sattar Shaikhani*", the Court assumed that the petitioner was the brother of Ghulam Nabi son of Abdul Sattar Shaikh who had filed Suit No. 1844/2010 as Attorney of one Lal Muhammad to lay claim the same tract of land that the petitioner claimed to be his in this petition, and consequently the Court observed that there seemed to be a design to grab State land. He submits that in fact the petitioner has no nexus with said Ghulam Nabi nor with the land subject matter of said suit which is also different.

The application for review having been made after 3 years of the order, is hopelessly time-barred. As observed by the Supreme Court in *Ahmed Jan v. Qazi Azizul Haq* (2009 SCMR 1022), and by a Division Bench of the Lahore High Court in *Natasha Hussain v. Shabbir Hussain* (PLD 2013 Lah 257), Article 162 of the Limitation Act also applies to the High Court's original jurisdiction in constitution petitions, and which prescribes for a review application a limitation

of 20 days from the date of order. Counsel submits that the petitioner moved such application only after the Land Utilization Department submitted a compliance report to this Court on 30-09-2022 to state that the underlying land is entered as the property of the petitioner. But that report too was submitted long ago, and it is also not, and cannot be the petitioner's case, that the matter sought to be reviewed came to his knowledge only after the report. At this juncture counsel submits that the petitioner's anxiety is that the adverse remarks in the order dated 13-07-2020 are being construed as a determination that he is not owner of the land in question. However, those remarks were only tentative and not a determination of the petitioner's title to said land, and that is why it was observed in the last para of that order that the Government's interest in such land, "if any", should be examined and safeguarded. With that observation, the review application is dismissed as time-barred.

SHABAN*

JUDGE