

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.575 of 2024

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Date

Order with signature of Judge(s)

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1. For hearing of CMA No.7884/2024.

**27.08.2024**

Mr. Hifzur Rahman, advocate for the plaintiff.

This is suit for specific performance of an agreement, in respect of immovable property, dated **25.07.1998**. The said date has also been pleaded in para 15 of memo of plaint, being the paragraph where occurrence of cause of action is pleaded. Office has raised preliminary objection as to the suit being barred by limitation.

Notwithstanding the foregoing, it is noted that the plaintiff has also obtained restrictive *ad interim* orders and the same are subsisting since inception. The said order states that the objection with regard to the bar of limitation *is overruled for the time being*.

It is imperative for jurisdiction, maintainability etc. to be determined prior to proceeding with the suit, therefore, the learned counsel was asked to address the Court with regard to the issue of limitation.

Learned counsel for the plaintiff read over the purported agreement dated 25.07.1998, available at page 35 of the file, and nothing could be discerned therefrom to confer a perpetual cause of action. Counsel remained unable to dispel the preponderant bar of limitation.

Order VII Rule 11(d) CPC requires the plaint to be rejected if it is found to be time barred by any law. The law in the material circumstances is the Limitation Act. In view hereof, this suit is found to be barred by limitation, hence, the plaint herein is rejected.

Judge