

THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry &
Mr. Justice Jawad Akbar Sarwana.

High Court Appeal No. 108 of 2024

[Menahel Majeed v. Sahibzada Ghulam Muhammad Khan and others]

Appellant : Menahel Majid w/o Khawaja Abdul
Ghani Majid through Mr. Fiaz H.
Shah, Advocate.

Date of hearing : 30-08-2024

Date of order : 30-08-2024

ORDER

Adnan Iqbal Chaudhry J. - 1] Urgency granted 2] Exemption granted
subject to all just exceptions.

3] The Appeal is from an order dated 19-02-2024 passed by a
learned Single Judge in Suit No. 18/2015, dismissing the Appellant's
application for rejection of the plaint under Order VII Rule 11 CPC.

The Appellant had prayed for rejection of the plaint on the
ground that the suit was time-barred. A perusal of the plaint reflects
that the suit is essentially for cancellation of a registered instrument
dated 26-11-2014. Limitation for such a suit prescribed in Article 91 of
the Limitation Act, 1908 is three (03) years. The suit was filed on
01-01-2015 i.e. within a few months of the impugned instrument, and
therefore well within limitation. Therefore, there is no error in the
impugned order. The appeal is therefore dismissed in *limine*.

JUDGE

JUDGE

SHABAN*