

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Suit 1247 of 2019

Date: Order with signature of the Judge

1. For hearing of CMA No.10243/2019
2. For hearing of CMA No.14325/2019
3. For hearing of CMA No.4231/2023
4. For examination of parties / settlement of issues

04.09.2024

Syed Ali Ahmed Tariq, advocate for the plaintiff

Messrs. Syed Zaeem Hyder and Muhammad Arif Ansari, advocates for the defendants No.1 and 3

This is a suit filed in 2019 for specific performance of a purported sale agreement dated 27.02.2002. CMA No.14325 of 2019, was filed under Order VII Rule 11 CPC seeking to have plaint rejected *inter alia* on the premise that the suit is barred by limitation. Paragraph 9 of the memorandum of plaint pertains to the cause of action and specifically pleads the following dates; 05.09.2001, 27.02.2002, 23.10.2002, 23.03.2007, 29.03.2007 and 16.02.2014. The only date material to the present controversy is 27.02.2002 which is the date of the purported sale agreement. However, notwithstanding the same none of the other dates, including the date on which some legal notice was allegedly sent subsequently, befall the present suit within the remit of limitation.

The period of limitation is three years per Article 113 of the Schedule to the Limitation Act, therefore, the applicant / defendant pleads for the plaint to be rejected.

Learned counsel for the plaintiff was confronted with the aforesaid and asked to demonstrate a subsisting cause of action post 27.02.2002, however, he failed to do so. Even if both limbs of Article 113 *ibid* are considered, perusal of the purported sale agreement does not demonstrate any perpetual cause of action. It may suffice to conclude the requirements¹ to be borne in mind for rejection of a plaint have been satisfied. Therefore, the plaint is hereby rejected per Order VII rule 11(d) CPC².

Amjad

Judge

¹ Per *Saqib Nisar J in Haji Abdul Karim & Others vs. Florida Builders (Private) Limited* reported as *PLD 2012 Supreme Court 247*.

² 11. Rejection of plaint. The plaint shall be rejected in the following cases:

...

(d) where the suit appears from the statement in the plaint to be barred by any law.