

**HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD**

R.A. No. 336 of 2022

[M/s. Boulevard Limited Vs. Nauman Akhtar and others]

R.A. No. 338 of 2022

[M/s. Boulevard Limited Vs. Nauman Akhtar]

Mr. Ayatullah Khowaja, Advocate for the Applicant
Barrister Jawad Ahmed Qureshi, Advocate for Respondent No.1
Mr. Wali Muhammad Jamari, Asstt: A.G.

Date of hearing & Order : 30.04.2024

ORDER

YOUSUF ALI SAYEED, J. - The captioned Revision Applications impugn the Orders made on 11.10.2022 by the VIIth Additional District Judge, Hyderabad in Civil Appeal Nos. 130 & 131 of 2022, so as to dismiss the restoration applications that had been filed by the present Applicant in its capacity as the Appellant in those matters. As it transpires, both the Appeals were dismissed due to the failure of the Appellant to deposit the requisite Court fee, with the relevant Order noting that such failure had persisted despite several chances having been given and no application for extension of time having been filed. A perusal of the aforementioned Order dated 11.10.2022 then reflects that the indolence on the part of the Appellant continued unabated, with the relevant excerpt thereof reading as follows:-

“2. The restoration application was filed on 19.08.2022 and it was fixed for advocate to be heard since court fee was not paid. Subsequently, this matter was fixed on 31.08.2022, 05.09.2022, 12.09.2022, 19.09.2022, 03.10.2022 and 11.10.2022 but on each date of hearing the learned counsel either called absent or filed adjournment application being either busy before other courts or seeking time to satisfy this court that he had valid reason for not submission of court fee.

3. Today, adjournment application was filed by associate of Mr. Ayatullah Khowaja on the ground that he is busy before Model Court at Nawabshah but it is equally important that on 12.09.2022 same ground was taken and adjournment was allowed subject to case diary of appearance before Model Court but since 12.09.2022 till date no such diary was produced and again today, this

application is without any particulars as to case number, court or cause list. The applicant is continuously absent without any cause and it appears that they have no valid reason for non-appearance and satisfying court regarding non-payment of court fee.

It is 01:00 p.m. and having no other option but to dismiss instant restoration application due to lethargic conduct of the applicant where in three months, the applicant being a construction company was unable to pay court fee.”

2. On a query posed to learned Counsel for the Applicant as to whether there was any factual error in what had been recorded by the Appellate Court, he responded in the negative, and when asked as to what illegality or material irregularity then afflicted the impugned Orders, no cogent response was forthcoming. Under the given circumstances, it apparent that the conduct of the Appellant does not merit any indulgence and that no interference is warranted. That being so, the Revisions stand dismissed accordingly.

JUDGE