## ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI MISC. APPEAL NO. 141 / 2023

Date	Order with signature of Judge

## FRESH CASE.

- 1) For orders on Misc. No. 8110/2023.
- 2) For orders on Misc. No. 8111/2023.
- 3) For orders on Misc. No. 8112/2023.
- 4) For hearing of main case.

## 24.10.2023.

Mr. Mushtaq Ahmed, Advocate for Appellant.

Through this Misc. Appeal, the Appellant has impugned Order dated 04.09.2023 passed by Vth Senior Civil Judge, Karachi West & Special Court for Cooperative Societies, Karachi Division in Society Suit No. 2737 of 2022 whereby, the plaint in his Suit has been rejected under Order 7 Rule 11 CPC.

Heard learned Counsel for the Appellant and perused the record. It appears that the Court below has rejected the plaint under Order 7 Rule 11 CPC as being barred in limitation on the ground that the Appellant was aware about the dispute so raised in his Suit in respect of some duplicate allotment of the suit property from 27.06.2000. This date is of letter addressed by the Appellant to the Society in question wherein, the entire facts of the case were stated regarding the duplicate allotment made to a third party. It appears that the Suit was filed in the year 2022 and while confronted, the Appellant's Counsel has not been able to satisfactorily respond except the plea that thereafter, the Appellant had approached the Society from time to time and somewhere in 2019 a legal notice was issued. I am afraid this is no ground for seeking condonation of the limitation, which in the instant matter, if at all in a Suit for Cancellation was three (3) years under Article 91 of the Limitation Act and for a Declaratory Suit was six (6) years under Article 120 ibid. The Suit was hopelessly time barred and the Court below was fully justified in rejecting the plaint under Order 7 Rule 11 CPC.

No case for indulgence is made out; hence, Appeal in question is dismissed **in limine** with pending application(s).

JUDGE

<u>Arshad/</u>