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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Civil Revn. Application No.S-19 of 2016

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
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09.10.2017.

1. For orders on office objections.
2. For orders on CMA No.274/17.
3. For hearing of CMA No.162/16.
4. For hearing of main case.

Applicant Sikandar Ali Hakro present in person.

Mr. Gulab Rai C. Jessrani, advocate for respondents No.5, 6, 8, 10, 11 & 13 to 15.

Mr. Ameer Ahmed Narejo, State Counsel.

Through this civil revision, the applicant has impugned order dated 14.4.2016, whereby the appellate Court has maintained two orders dated 19.10.2015 and 23.09.2015 passed by the 1st Senior Civil Judge, Shikarpur, by dismissing the applications for restoration of the suit.

Perusal of the record reflects that this matter has not been proceeded with on behalf of the applicant for numerous dates and on one date or the other the applicant appears in person and seeks adjournment, which this Court has regularly been granting on sympathetic consideration. None was present on the last date, whereas on 22.09.2017 applicant was present and the matter was adjourned as date by Court but on the next date he purposely remained absent.

Today again he requests for adjournment. His request for adjournment is regretted. Even otherwise, on perusal of the record and as pointed out by the learned Counsel for the respondents, it appears that the suit filed by the applicant was dismissed initially by the trial Court for non-prosecution and thereafter the restoration application was also dismissed vide order dated 10.12.2011. Same was challenged in

appeal and the appellate Court through order dated 11.09.2013 restored the suit to its original position for disposal on merits subject to payment of cost of Rs.10,000/-. On remand, the cost was not deposited and thereafter time and again adjournment was sought on behalf of the applicant. On one occasion the suit was adjourned after imposing cost of Rs.1000/- and thereafter on 23.9.2013 once again none had effected appearance nor cost was deposited and, therefore, the restoration application was once again dismissed through order dated 19.10.2015. Again the order was challenged in appeal and through impugned order the same has been dismissed. It appears to be an admitted position that the applicant throughout failed to deposit the cost so imposed by the appellate Court as well as ^{by} the trial court. Such conduct of the applicant cannot be appreciated, whereas in this civil revision application there is nothing to decide by this Court as it is the conduct of the applicant itself which has decided his fate. In view of such position, instant civil revision application being misconceived in facts and law is hereby dismissed.


JUDGE