

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

R.A No.277 of 2024

| DATE | ORDER WITH SIGNATURE OF JUDGE |
|------|-------------------------------|
|------|-------------------------------|

1. For orders on CMA 3158/2024
2. For orders on office objection No.7
3. For orders on CMA 3159/2024
4. For orders on CMA 3160/2024
5. For hearing of main case

01.11.2024

Mr. Faisal Farooque Thaheem Advocate for Applicant.

1. Granted.
  
3. Granted subject to all just exceptions.

2,4&5.The Applicant has invoked the revisional jurisdiction of this Court under Section 115 CPC so as to impugn the judgment rendered by the 8th Additional District Judge Hyderabad on 07.09.2024, dismissing Civil Appeal No.242/2023 preferred by the Applicant against the *ex parte* Judgment of the 1st Senior Civil Judge Hyderabad dated 28.10.2023 in F.C. Suit No.277/2022, which was dismissed as being time barred. The operative part of the underlying judgment in the Suit reads as under:

5. I have heard learned counsel for Plaintiff and gone through the material available on record. Perusal of record reflects that plaintiff has filed instant suit for Recovery of amount of Rs.14,00,000/- paid by him to defendant No.1 to 3 in respect of suit property in 2008 and para No.8 of plaint reflects that defendant refused him to hand over possession and executed sale deed in his favor in 2017. Limitation period as provided in Limitation Act for recovery of sale amount is three years therefore, suit of plaintiff is hopelessly time barred. Further plaintiff is also failed to produce and examine marginal witnesses. Consequently, in the light of above discussion, I am of view that Plaintiff has failed to prove his claim, therefore, suit of the plaintiff is dismissed. However there is no order as to cost.

A perusal of Plaint reflects that the Suit was indeed one for recovery of the sum paid and the Plaintiff had himself stated in para 8 thereof that “in the year 2017 finally the Defendant No.2 and 3 refuse to hand over possession and registered sale deed, and Plaintiff came to know that his

booked flat No.38, 4th Floor, Rehnuma Apartment, Tulsidas Road, Gari Khata, Hyderabad has been sold to Defendant No.4.” Be that as it may, the Suit was filed as belatedly as 11.02.2022. Under such circumstances, the Orders of the fora below appear to be unexptionable and do not call for any interference. The Revision Application accordingly stands dismissed *in limine* along with listed Miscellaneous Applications.

JUDGE

Ali Haider