

ORDER SHEET

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
Civil Revision No.S- 52 of 2014

DATE	ORDER WITH SIGNATURE OF JUDGE
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9. For orders on office objection 'A'
10. For orders on C.M.A No.198/2014
11. For Katcha Peshi.
12. For orders on C.M.A No.199/2014

11.8.2014

Mrs. Najaf Shah, advocate for applicants.

Respondents have filed suit for restoration of possession and compensation against the applicants. The suit was decreed in terms of judgment dated 19.05.2011 and decree was passed on 25.05.2011. Aggrieved with this judgment and decree the applicant preferred an appeal bearing Civil Appeal No.14 of 2011. However, the record reflects that no court fee at the time of filing of appeal was affixed. The judgment of the 2nd Additional District Judge, Shikarpur passed in Civil Appeal No.14/2011 reflect that the court fee before the appellate court was deposited on 15.3.2014 without any application under section 149, C.P.C. Thus no ground was established before the appellate forum for such delay in affixing court fee. The record also shows that he has affixed court fee but that was subject to all just exceptions. The court fee appears to have been filed after the delay of 02 years and 09 months and hence the appellate court held that since the prescribed period for filing of appeal was 30 days therefore, the appeal was hopelessly barred by time.

Learned counsel for the applicants insisted to consider the merit of the case. However, such merit was not heard by the appellate court since the appeal was held to be hopelessly barred by time and on this ground alone the appeal was dismissed. No cogent reasons were provided even at this stage as to why such delay was caused. In view of the above, I do not intend to interfere with the findings of the appellate court which has held the appeal to be hopelessly barred by time. Hence this revision application fails.


Judge