

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

C.P. No.D-3188 of 2018

Muhammad Hanif

Versus

IX-Additional District Judge East & others



Date	Order with signature of Judge
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1. For orders on Misc. NO.14508/18

2. For hearing of main case

Dated: 09.09.2020

None present.

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This petition originates from an order passed by IV-Sr. Civil Judge, Karachi East. While passing order on an application under order IX rule 4 read with section 151 CPC on 24.08.2016 the trial Court dismissed the application for restoration, for the reason being that summons could not be issued as cost was not paid, which led to the dismissal of the suit. The application supported by an affidavit has not provided sufficient reasons for the delay of one year in filing restoration application. The litigant has to be vigilant while pursuing the remedy. Since the delay had not been explained satisfactorily, the order was maintained by revisional Court in Civil Revision No.122 of 2016. Under Article 199 of the Constitution this Court can only probe if there is a jurisdictional defect in the order. Since the jurisdiction vested with the trial Court as well as revisional Court and they decided the matter in accordance with law, we do not see any reason to interfere in the orders as passed by the two Courts below. However, since petitioner and his counsel are called absent, it appears that perhaps on account of above reason, they have lost interest in the proceedings. Accordingly, petition along with listed application is dismissed for non-prosecution.


Judge

Judge