

Order Sheet**IN THE HIGH COURT OF SINDH AT KARACHI****Revision Application No.148 of 2020**

Mst. Qamar-un-Nisa ..... Applicant

Versus

Standard Chartered Bank and others..... Respondents

Mr. Abdullah Nizamani, Advocate for the Applicant  
along with Mr. Noor Muhammad, Advocate.

Mr. Muhammad Khalid Hayat, Advocate for  
Respondent No.1.

Mr. Ahmed Khan Khaskheli, AAG

Mr. Irshad Ali, Asstt. Attorney General.

Date of Hearing: 19.05.2025

Date of announcement of Order: 21.05.2025

**J U D G M E N T**

1. Instant Revision application has been filed against the Impugned judgment dated 20.10.2020, passed in Civil Appeal No.81/2018 by the 2<sup>nd</sup> Additional District Judge, Malir. The said Civil Appeal was filed by the Applicant impugning the judgment and decree dated 11.09.2018 passed by the 2<sup>nd</sup> Senior Civil Judge, Malir, Karachi, in Civil Suit No.354/2015 filed by the Applicant. Brief facts of the case are that the Applicant filed a Civil Suit No.354/2015 with the following prayers: -

- a) This Honourable Court may be pleased to declare to the plaintiff, she is owner of Special Saving Certificates mentioned above and may be directed to defendant to handover/ pay the amount of Rs.1,84,500/- with upto date profit to plaintiff.
- b) The cost of suit is ordered to be borne by the defendant.
- c) Any other relief(s) which this Honorable Court deems fit and proper.

2. Thereafter, the suit was dismissed primarily on the ground of limitation. Subsequently, the above noted Civil Appeal was filed by the Applicant and the

same was dismissed vide Impugned judgment. Learned counsel for the Applicant has Impugned the concurrent findings of the Court below.

3. Learned counsel for the Applicant has argued that the cause of action accrued in her favour in the year 2015 after which the above noted Civil Suit was filed for declaration and recovery. Learned counsel has further argued that cause of action arose only when one Mst. Nazima Kamal filed a suit against the Respondent in the instant revision, which eventually culminated in the withdrawal of the 2<sup>nd</sup> Appeal before this Court on 29.05.2015. It has been argued by the learned counsel that the suit was within the limitation period of six (06) years as stipulated under Article 120 of the Limitation Act, 1908.

4. Conversely, learned counsel for Respondent No.1 bank has argued that a cause of action accrued in favour of the Applicant in the year 1999 and the Suit was filed in the year 2015, therefore, in that respect he has argued that no interference is required as there are concurrent findings of the Courts below.

5. I have heard the learned counsels for the parties and perused the record. Prior the delineating on the facts of the instant case, I have specifically asked the learned counsel for the Applicant, the year which he became aware that the said saving certificates were in possession of the said Mst. Nazima Kamal. Learned counsel has very candidly conceded that he become aware about the suit filed by the above noted individual in the year 2010. Even if his contention is given any consideration and accepted, it is evident that the Applicant remained silent from the year 1999 till the year 2010, when the Applicant admittedly found out about the pendency of the above noted suit filed by Mst. Nazima Kamal. It is also evident from the perusal of the record that admittedly in the year 1999, the Applicant was aware that the saving certificates were purportedly misplaced. Further, it worth mentioning that some of the saving certificates have already been encashed by the Applicant and therefore, in this respect the Applicant being the plaintiff in the above noted suit had failed to discharge her burden. It is also

imperative to note that the delay has categorically been admitted by the Applicant during her cross-examination. Relevant parts of which have been reproduced in the judgment and decree passed by the learned trial Court and need no reiteration. It is also worth noting that the present Applicant was not a party to the Suit filed by the above noted individual and in that respect, there was no impediment in her filing the suit earlier and within the limitation period under Article 120 of Limitation Act.

6. It does not help the case of the Applicant that she had lost the said saving certificates more than once, whereas, it is evident from the pleadings that the Respondent bank went over and above their mandated obligation to assist present Applicant. In the light of above, I see no infirmity and illegality in the Impugned judgments of the Courts below. Accordingly, instant Revision Application stands dismissed with no order as to cost.

J U D G E

Nadeem