

IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. S-1341 of 2025

| Date | Order with signature(s) of Judge(s) |
|-------------|-------------------------------------|
| Fresh Case. | |

- 1. For orders on Misc. No.8400/25
- 2. For orders on office objections.
- 3. For orders on Misc. No.8401/25
- 4. For orders on Misc. No.8402/25
- 5. For hearing of main case.

11.12.2025.

Mr. Liaquat Hussain Khan, Advocate for the Petitioner.

Through this petition, petitioner has challenged the order dated 19.03.2025 passed by the Family Judge-XVIII Karachi-Central in Family Suit No.653/2024 (re: Mst. Ayesha Begum v Muhammad Lateef & Ors.) and order dated 11.10.2025 passed by the Additional District Judge-VI Karachi-Central in Civil Appeal No.112 of 2025 (re: Muhammad Lateef v Mst. Ayesha Begum & another).

2. Learned counsel for the petitioner contends that the judgment/order passed by the courts below suffer from material illegality and irregularity and are *ab initio* void; therefore, the law of limitation would not be applicable. Hence, the judgment and decrees as well as order passed by the courts below are liable to be set aside. He prays for issuance of notice and suspension of the impugned judgments/orders.

3. Heard arguments and perused the material available on record.

4. Respondent had filed suit for maintenance and recovery of dowry articles which was contested by the petitioner and vide judgment & decree dated 19.03.2025 suit was decreed in the manner set out in findings to issue No.5 which is reproduced below:-

“ISSUE No.5. - Upshot of my above discussion is that the plaintiff has been able to prove herself to the extent of maintenance and dowry and maintenance and dower amount as mentioned above. Thus family suit is decreed in the following terms:

The plaintiff is entitled for her dower amount of Rs 2000/- the plaintiff is entitled for maintenance of herself, from filling suit i.e. 04.03.2024 till judgment i.e. 19.03.2025 and maintenance of iddat period at the rate of Rs 10,000/- per month total 150,000/- The plaintiff does not entitled for medical expenses. The plaintiff entitled for Recovery of dowry articles to the extent of viz 01 charpai, 02 blankets, 01 dinner set, 01 small table, 01 dozen steel plates, 01 juicer machine, 01 brief case (empty) and one iron are its alternative amount of RS 100000/- (Rupees One Lac only).”

5. After the judgment of the trial Court, the petitioner remained in slumber and did not assail the same in appeal. He filed an appeal before the appellate Court after a delay of about six months, along with an application under Section 5 of the Limitation Act, 1908, seeking condonation of the delay. The appellate Court dismissed the appeal on the ground that no sufficient reasons had been assigned for the delay in filing the appeal. Under the West Pakistan Family Rules, 1965, the prescribed period for filing an appeal is 30 days against the judgment of Family Court, however, the appeal was preferred after a delay of about six months without assigning any reason. Rule 22 being relevant is reproduced below for ease of reference:

“22. 1 [(1) An appeal under section 14 shall be preferred within thirty days of the passing of the decree or decision, excluding the time requisite for obtaining copies thereof; Provided that the appellant Court may, for sufficient cause, extend the said period.]

(2) The appeal shall be in writing, shall set out the grounds on which the appellant seeks to challenge the decree or decision, shall contain the names, description and addresses of the parties, and shall bear the signature of the appellant or his counsel.

(3) A certified copy of the decree and decision of the Court where a decree is passed, and a copy of the decision where only an order is passed shall be attached with the appeal.

(4) Any order passed by the Appellate court shall, as soon as may be, be communicated to the Trial Court which shall modify or amend the decree or decision accordingly and shall also make necessary entries to that effect in the appropriate column of the register of decrees.]

6. The petitioner remained present throughout the proceedings before the trial Court and was therefore required to file an appeal promptly as provided under the law. The provisions of the Limitation Act are not applicable to proceedings in which a specific period of limitation for filing an appeal is prescribed.

7. Since the appeal filed by the petitioner was delayed by six months, the appellate Court rightly declined to entertain it. Even in the instant petition, no reasons have been assigned for the delay in filing of the appeal. No illegality or infirmity has been pointed out in the impugned judgments/orders passed by the courts below that would bring the same within the definition of void orders. Consequently, the delay in filing the appeal cannot be condoned under Section 18 of the Limitation Act.

8. This petition, being devoid of merit, is therefore dismissed in limine along with all listed applications, with no order as to costs.

JUDGE