

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

R.A.No. 170 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on CMA 74/2026.
- 2. For orders on office objections.
- 3. For orders on CMA 2905/2025.
- 4. For hearing of main case.

12.01.2026.

Ms. Somia Usman, Advocate / Attorney of the applicants.
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Through this Revision Application, maintained under Section 115 of the Code of Civil Procedure, 1908, the Applicants have impugned the order dated 13 September 2025 passed by the 2nd Additional District Judge, Shaheed Benazirabad in Civil Suit No.1 of 2025.

Civil Suit No.1 of 2025 was maintained by the applicants under the provisions of the Defamation Ordinance, 2002. The suit was presented on 21 May 2025 and it was dismissed for non-prosecution on 30 July 2025. An application for restoration was maintained on 13 September 2025 after the period described in Article 163 of the Frist schedule read with Section 3 of the Limitation Act, 1908. As no application for condonation of delay was maintained under Section 5 of the Limitation Act, 1908 consequently the restoration application under Order IX Rule 9 of the Civil Procedure Code was dismissed on 13 September 2025.

Ms. Somia Usman has entered appearance on behalf of the applicants and has contended that the application was filed with a delay on account of the fact that the applicants reside outside of Pakistan and had not been able to pursue this matter and on this basis maintained that this Revision Application may be considered.

I have heard Ms. Somia Usman and perused the record.

It is admitted that the application for restoration under Order IX Rule 9 of the Civil Procedure Code has been presented after the expiry of period prescribed under Article 163 of the First Schedule of the Limitation Act, 1908. In such circumstances, it was correctly held by the 2nd Additional District Judge, Shaheed Benazirabad in Civil Suit No.1 of 2025 that an application under Section 5 of the Limitation Act, 1908 would have to have been presented indicating therein the grounds on the basis of which delay could have been condoned. This has admittedly not be done rendering the application for restoration as not being maintainable and which was correctly dismissed by the 2nd Additional District Judge, Shaheed Benazirabad on 13 September 2025 and which has correctly been decided by that Court. and This Revision Application is not maintainable.

For the foregoing reasons there is no material illegality and irregularity in the Order dated 13 September 2025 passed by the 2nd Additional District Judge, Shaheed Benazirabad in Civil Suit No.1 of 2025. This Revision Application being misconceived is dismissed, along with all listed applications, with no order as to costs.

JUDGE

Tufail