

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

2nd Appeal No.S-28 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
------	----------------------------------

For orders on office objections.
For orders on exemption application.
For orders on limitation application.
For hearing of main case.

20-04-2026

Mr. Ali Akbar Lakho, advocate for the appellant.

Statement filed by counsel for the appellant is taken on record.

Allah Dino Shah/appellant has impugned the judgment dated 29.03.2017 passed by the 4th Additional District Judge, Shaheed Benazirabad, in Civil Appeal No.156 of 2016. The said appeal has been instituted in this Court on 23.02.2026. It is hopelessly time-barred, having been instituted before this Bench after almost nine years from the impugned judgment and decree. Counsel contends that he has filed an application, namely CMA No.616 of 2026, for condonation of delay. From the perusal of the same, it appears that the sole ground stated therein for the delay is that the appellant is an illiterate person and this bench should take a sympathetic view. No explanation is provided for each and every day of delay for the nine years delay in instituting this 2nd appeal.

Heard counsel. Perusal of the impugned judgment reflects that the appellant/plaintiff had filed FC Suit No.78 of 2016 after another similar suit namely FC Suit No.31 of 2000 was filed in the year 2000, challenging the same revenue entries concerning the same suit property was ultimately withdrawn yet the same subject matter was agitated in the 2016 suit. The trial Court found in the 2016 suit that the revenue entries were being challenged after a lapse of 23 years. Thus the second suit (78/2016) instituted in respect of the same subject matter as Suit No.31 of 2000 after 15 years was dismissed on inter alia limitation. The plaintiff challenge to the dismissal of the suit in appeal was declined/rejected by the 4th Additional District Judge, Shaheed Benazirabad and has been challenged in this time barred second appeal. The entire challenge is barred by limitation, misconceived, and frivolous. Accordingly, the 2nd Appeal is dismissed in limine along with pending applications with no order as to costs.

J U D G E