

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

C.P. No.S-523 of 2025

---

**DATE**

**ORDER WITH SIGNATURE OF JUDGE**

---

For order on MA No.1614/2025.

20.02.2026

Mr. Aqeel Ahmed Siddiqui advocate for petitioner.

Vide order dated 05.11.2025, the instant petition was dismissed for non-prosecution. Subsequently, the petitioner has filed the present application under Order IX Rule 9 CPC read with Section 151 CPC, seeking recall of the order dated 05.11.2025 and restoration of the petition to its original number.

Learned counsel for the petitioner submits that on the relevant date, i.e. 05.11.2025, he could not appear before this Court as he was engaged in a part-heard matter before another Bench of this Court and due to such unavoidable engagement, his appearance in the instant case could not be ensured, which resulted in dismissal of the petition for non-prosecution. He further submits that the restoration application has been filed within the prescribed period of limitation and therefore deserves consideration on merits. He also submits that the matter involves valuable rights attached to the suit property and the outcome of the petition has direct bearing upon the interests of the entire villagers of the concerned village and in the event the petition is not restored, serious prejudice and disturbance may be caused to a large number of inhabitants whose interests are connected with the subject matter of the litigation. Learned counsel therefore prays that in the interest of justice, the order dated 05.11.2025 may be recalled and the petition may be restored to its original number and position.

Heard learned counsel and perused the record.

Since the petition was dismissed for non-prosecution due to the counsel's engagement before another Bench, which appears to be a reasonable and *bona fide* explanation and the restoration application has been filed within time, this Court is inclined to adopt a liberal approach so that the matter may be decided on

merits as instant petition was filed in year 2016. Accordingly, the listed application is **allowed**. The order dated 05.11.2025 is **recalled**, and the petition is restored to its **original number**.

Since the matter is old relating to the year 2016, the case has been heard and reserved for orders.

JUDGE

**\*Abdullah Channa/PS\***