

Date: _____ Order with signature of Judge _____

- 08.09.2026**

Mr. Ghulam Shabbir Buledi, Advocate for the Applicant.

2. The Respondents No. 1 & 2 filed Civil Suit No. 2635 of 2022 before the VIIIth Senior Civil Judge/Model Civil Court, Karachi West, seeking administration and permanent injunction concerning property No. KS1052, House No. 925, Islamia Colony No. 1, Qasba Colony, Karachi. They claimed to be the legal heirs and co-sharers of late Dawood Khan, who allegedly died on 28.02.2008 leaving the property as estate. The Applicant was impleaded as Defendant No. 4 pursuant to application under Order I, Rule 10 CPC and contested the suit. He maintained that he was the adopted son of Mst. Naseem Bano, who was the wife of the late Dawood Khan and that the property was not inherited from Dawood Khan rather Mst. Naseem Bano had independently purchased the property from Kaleemullah Abbasi through a sale agreement dated 31.10.1982 and subsequently bequeathed it to the Applicant through a registered Will.

3. The parties led their respective evidence, and vide judgment and decree dated 27.01.2026, the learned Trial Court decreed the suit for administration of the subject property amongst the legal heirs of Dawood Khan, holding, in substance, that the title of the suit property stood vested and registered in the name of the deceased Dawood Khan, that Mst. Naseem Bano, being merely his wife, had no authority to bequeath the same in favour of the Applicant, and that the Will relied upon by the Applicant was not a registered document. Feeling aggrieved of the said judgment and decree dated 27.01.2026, the Applicant preferred Civil Appeal No.122 of 2026 before the learned XIIth Additional District & Sessions Judge, Karachi West, along with

an application under Section 5 of the Limitation Act, 1908, seeking condonation of delay of about 10 days in filing the appeal. The learned Appellate Court, vide the impugned order dated 23.04.2026, declined to condone the delay, holding that the Applicant had failed to explain each and every day's delay in filing the appeal, and dismissed Civil Appeal No.122 of 2026 as time barred, without entering into the merits of the controversy. The Applicant has assailed the said order dated 23.04.2026 in the instant Civil Revision Application.

4. The learned counsel for the Applicant submitted that despite stating in the condonation application that the Applicant was suffering from financial constraints, the learned Appellate Court has passed the impugned order dismissing the Applicant's appeal as time-barred.

5. The record shows that the Trial Court passed judgment and decree on 27th January 2026. The Applicant filed the application for certified copy on 2nd February 2026; fees was deposited and stamp was supplied on 3rd February, 2026; and copy was certified and delivered on 3rd February 2026. Yet, the appeal was filed on 6th March 2026 with a delay of seven days. Perusal of the condonation application filed by the Applicant before the learned Appellate Court shows that according to the Applicant the appeal could not be filed within statutory period due to financial crisis and prayed that therefore the delay may be condoned as the Applicant is very poor and the delay was not wilful or deliberate but due to circumstances beyond the control of the Applicant. No details of what financial crisis had fallen upon the Applicant that caused seven days' delay has been explained.

6. It is also noteworthy that although the instant revision application has been filed within the limitation period, the Applicant due to a mistaken belief that it is two days late also filed an application seeking condonation of two days' delay in filing the instant application giving the same exact reasons which have been given in the application filed seeking condonation of delay in filing the appeal. It is strange that the Applicant was confronted with a financial crisis for seven days, after which he was able to arrange for counsel to file the appeal before the Appellate Court, and yet once again he was confronted with a financial crisis at the time of filing the instant revision application before this Court, which was resolved in two days.

7. Expiry of limitation accrues valuable rights upon the opposing side, therefore, delay cannot be condoned casually or lightly. According to settled law, delay of each and every day has to be explained, which has not been done satisfactorily by the Appellant to explain the seven days' delay in filing

the appeal before the learned Appellate Court, which was therefore correctly dismissed as time barred and as such I do not find any infirmity in the impugned order on merits. This revision application is therefore dismissed as being without merit.

J U D G E

Imran