

IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. S-1498 of 2019

(State Life Insurance Corporation – vs - Mst. Nafeesa Begum & Ors.)

Date Order with signature(s) of Judge(s)

Hg:/Priority.

1. For orders on office objections.
2. For hearing of main case.

18.08.2026.

M/s. Manzoor Bashir Memon and Allah Dino, Advocates for the Petitioner.

ORDER

Nisar Ahmed Bhanbro, J. This petition is directed against the concurrent findings whereby Rent Case No. 595 of 2016 (re: State Life Insurance Corporation vs. Mst. Nafeesa Begum & Ors.) was dismissed vide order dated 01.02.2018 by learned IVth Rent Controller (South) Karachi, and First Rent Appeal No. 143 of 2018 (re: State Life Insurance Corporation vs. Mst. Nafeesa Begum & Ors.) was dismissed vide order dated 15.11.2019 by the learned Additional District Judge-VII (south) Karachi (Appellate Court). The appeal was dismissed on the ground of delay.

2. Learned counsel for the petitioner submits that there was no delay in filing the appeal, as he had applied for a certified copy of the impugned judgment dated 08.02.2018, and the requisite fee was assessed and deposited on 27.03.2018. Therefore, according to learned counsel, the appeal was filed within the prescribed period of limitation. He, therefore, submits that the impugned order may be set aside and the matter may be remanded to the learned Appellate Court for decision afresh in accordance with law.

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

4. From perusal of record it reveals that appeal filed by the petitioner was dismissed on the ground of delay. It transpires from the record that the petitioner applied for a certified copy of the judgment dated 01.02.2018 on 08.02.2018 and deposited the requisite cost on 27.03.2018. It is also a matter of record that the respondent had applied for issuance of a certified copy of the same judgment on 02.02.2018, which was issued to him on 03.02.2018. The petitioner has failed to assign any plausible reason for the delay in applying for the certified copy and depositing the requisite cost. Petitioner preferred the appeal on 23.04.2018. Even if the period of limitation is computed in accordance with the argument advanced by learned counsel for the petitioner, the appeal was required to be filed on or before 04.03.2018; however, the petitioner preferred the appeal on 23.04.2018.

5. Moreover, if the period between 08.02.2018 and 27.03.2018 is taken into account, it comes to 47 days, whereas the record reflects that the certified copy of the judgment was ready on the very day the judgment was pronounced. The petitioner's failure to obtain the certified copy and to deposit the requisite cost in time reflects his laxity in pursuing the matter. It was incumbent upon the petitioner to deposit the requisite cost without delay, obtain the certified copy, and file the appeal within the prescribed period of limitation. Having failed to do so, the petitioner cannot seek to attribute the delay to the process of obtaining the certified copy. The learned Appellate Court, therefore, rightly declined to entertain the appeal on the ground of limitation.

6. Petitioner has failed to point out any illegality or infirmity in the impugned judgment/order. Consequently, finding no merit in the instant petition, the same is hereby dismissed, along with all pending applications, if any.

J U D G E