

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
Civil Revision Application No. 04 of 2019

<i>Date</i>	<i>Order with Signature of Judge</i>
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**Hearing/Priority:**

1. For orders as to non-prosecution of CMA No.4164/2024.
2. For orders on office objection.
3. For hearing of CMA No.103/2024
4. For hearing of main case.

**17.04.2025:**

Mr. Fazal ur Rehman, advocate for the applicant.

Mr. Karamatullah, advocate for the respondent No.1

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Learned counsel for the applicant stated that Execution Application No.10 of 2002 was preferred to execute decree passed on 01.03.1991. The above Execution Application was filed on 31.05.2002, well beyond the period of limitation prescribed under the Limitation Act and no application under Section 5 of the Limitation Act was filed for condonation. Learned counsel for the applicant in this regard has invited my attention to the memo of appeal, which clearly shows that this ground of limitation was taken. Learned counsel has lastly argued that the ground of limitation was not considered by the Court below and instant Revision Application may be allowed and subsequently Execution Application may be dismissed on the ground of limitation alone.

2.           Conversely, learned counsel for the respondent has argued that the applicant was not a party to the proceedings, therefore, the application under Section 47 CPC has been rightfully dismissed. He has further argued that it was not upto to the applicant to raise the ground of limitation because of rgw specific bar contained in Section 47 CPC.

3.           I have heard the learned counsel for the parties and perused the record with their assistance. It is evident from the bare perusal

of the impugned order that while the contention of the learned counsel regarding limitation has been noted but there is no finding specifically on the ground of limitation, same is the case in order dated 04.08.2016. In light of the above, the matter is remanded back to the Executing Court to decide the application afresh, more specifically on the ground of limitation within a period of one month from today.

Accordingly, instant Revision Application is allowed in the above terms, consequently, the impugned order dated 04.08.2016 passed in Execution Application No. 10/2002 by the III-Senior Civil Judge, Karachi East, is hereby set-aside.

***JUDGE***

Nadeem