

**ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS**

2nd Appeal No.S-01 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For orders on M.A No.21/2025.
3. For hearing of main case.

05.03.2026

Mr. Muhammad Yaseen Khaskheli, advocate for appellants.
Mr. Om Parkash H. Karmani, advocate for respondent No.1.
Mr. Muhammad Shareef Solangi, Assistant A.G Sindh.

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The issue involved in this case is that the plaint filed by the appellant was rejected under Order VII Rule 11 CPC on the ground of limitation. Learned counsel for the appellant drew attention at page-173 of the court file to show that the date of birth of the appellant was 01.02.2003 and therefore he was only 03 years old when the transaction between the late father of the appellant and the respondent No.1 was conducted.

Record reflects that as soon as the appellant attained majority in the year 2021, the suit was filed in the year 2023, and the same was within time, hence the rejection of the plaint on such ground was unjustified. Even otherwise, Article 10-A of the Constitution recognizes the right of fair trial as a fundamental right, which could not be curtailed on such ground as was adopted in the impugned Order.

After arguing the matter at length, both the learned counsel, under the instructions of their respective clients, state that they would be satisfied if the matter is remanded back to the trial court with the direction to the trial court to frame the issues, record evidence of both the parties

and pass a Judgment on merits strictly in accordance with law within a period of 60 days from the date of passing of this Order. Order accordingly.

In view of the above and by consent, the instant appeal is allowed and the impugned Judgment and decree dated 11.10.2024 passed by learned Additional District Judge-II, Sanghar in Civil Appeal No.68/2024 and Order dated 12.03.2024 passed by learned Senior Civil Judge-II, Sanghar in F.C Suit No.121/2023 are set-aside and the plaint is restored to its original position and the matter is remanded back to the learned trial court, with direction to conclude the trial within a period of 60 days from the date of receipt of this Order, whereby no unnecessary adjournment shall be granted to any of the parties and such compliance report be filed in this regard with the Additional Registrar of this Court.

The instant petition is disposed of alongwith listed application in above terms.

JUDGE

Faisal