

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

IInd Appeal No.05 of 2017

Date	Order with signature of Judge
------	-------------------------------

1. For order on CMA No.9700/2017 (Exp)
2. For hearing of main case
3. For order on CMA No.9701/2017 (U/s.151 CPC)

13.11.2018

Mr. Javed Ahmed Rajput, advocate for the Appellant.

Learned counsel states that there had been a fraud, therefore, there was no question of limitation she has filed suit for enforcement of an agreement executed in 1968. The respondent filed an application under Order **VII Rule 11 CPC** and suit was dismissed being time barred. The Court has very specifically observed that Iqrarnama and agreement sought to be enforced through this Court was executed in 1968 and suit has been filed in 2011, therefore, suit was time barred when suit was time barred the Court had no jurisdiction in terms of **Section 3** of the Limitation Act, 1908. Right may exists but it cannot be enforced by the Court once hit by provision of **Section 3** of the Limitation Act.

In view of the above, this IInd appeal is dismissed.

JUDGE

SM