



**28.11.2017** as time barred. The appellate Court in para-3 and 4 of the impugned order has observed as follows:-

3. *I have heard the arguments for learned counsel for appellants and have gone through the record of the case. Admittedly, memo of appeal has been presented after a delay of two and half months i.e. after lapse of 74 days of prescribed limitation period for first civil appeal. Learned counsel for appellant has also filed an application for condonation of delay in filing appeal and has submitted medical report of appellant No.1 Asif Raza issued by Accident And Emergency Department of J.P.M.C Karachi dated 15.08.2017 which shows that said appellant was diagnosed with bipolar disease of depression and was advised three months rest while for appellant No.2 learned counsel has alleged that said appellant was at Islamabad during this period of delay and in order to support his claim, he has filed air ticket showing that appellant No.2 travelled from Islamabad to Karachi on 22.10.2017. Even if this ground for condonation of delay is considered, this appeal has been presented right after one month of above travel. Furthermore, even if appellant No.1 was ill, the appellant No.2 could manage to file appeal in the matter while being at Islamabad and therefore ground for condonation of delay in presenting appeal was not justifiable as much as under the law litigant has to explain each day of delay in filing is for extension of limitation period.*
4. *In view of above discussion, I do not find merit in the application u/s 5 of Limitation Act, 1908 and therefore, dismiss the same. As a result, this appeal being time barred is also dismissed in limini.*

The appellants have filed instant IInd Appeal against the above order which is also hopelessly time barred, since the above appellate order was passed on **28.11.2017** and the present IInd Appeal has been filed on **10.08.2018** after more than **8 months** of the appellate order. The appellants, alongwith instant IInd Appeal, have also filed application under **Section 5** of the Limitation Act, 1908. No plausible explanation for condoning the delay has been made out in the said application.

3. In view of the above facts and circumstances, since the appeal preferred against the judgment and decree passed by the trial Court was clearly barred by **74 days** and the instant IInd appeal is also hopelessly time barred, therefore, the application under **Section 5** of the Limitation Act, 1908 is dismissed. Consequently, instant Revision Application was dismissed by short order dated **30.05.2019** and these are the reasons for the same.

JUDGE

Karachi  
Dated: 02.07.2019

Ayaz Gul/P.A