

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No.D-5785 of 2018

Order with signature of Judge

- 1. For orders on Misc. No.36375 of 2018*
- 2. For orders on office objection No.1 and 20*
- 3. For orders on Misc. No.36550 of 2018*
- 4. For hearing of main case*

30.11.2018

Ms. Naheed Perveen, Advocate for the petitioner.

Through this petition, the petitioner has prayed to set aside the judgment and decree passed on 11.09.2017 by respondent No.1 (Vlth Senior Civil Judge, Karachi Central) in Civil Suit No.490 of 2016. The impugned judgment and decree could have been challenged in appeal which was adequate and expeditious remedy provided under the law, but the petitioner's counsel admits that no such appeal has been filed and since the time has lapsed, therefore, instead of availing appropriate remedy in appeal, this petition has been filed. On the face of it, this petition is not maintainable. However, learned counsel for the petitioner agrees to file appeal alongwith application under Section 5 of the Limitation Act for condonation of delay. Since this is only a matter relating to correction of date of birth, therefore, we are of the view that if any such appeal is filed alongwith application for condonation of delay, the appellate Court may consider it sympathetically if the ground for condonation is made out. This petition stands disposed of accordingly.

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