

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
**RA No.106 of 2016**

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

1. For orders on CMA No.4805/2018
2. For hearing of CMA No.8319/2016
3. For hearing of Main case

**17.02.2020**

Mr. Muhammad Rafi, advocate for the applicant.  
Mr. Liaquat Zaman, advocate for respondents.

-.-.-.-.-

This revision application is directed against the dismissal of hopelessly time barred Misc. Appeal **No.20/2013** arising out of Suit No.624/2000 (New No.696/2002). The trial Court has passed a series of orders against the applicant/plaintiff in presence of their counsel starting from the order dated **18.5.2007** on an application under **Order X Rule (2) CPC** for production of applicant in Court. The applicant filed review application on **21.7.2007**. By order dated **14.9.2007** application for review of the said order was dismissed. The applicant did not file any Misc. Appeal or Revision against dismissal of said application. Then ultimately by order dated **14.9.2007** suit was dismissed for non-prosecution. The appellant on **24.9.2007** preferred an application under **Order IX Rule 9 CPC** in which he challenged not only the order of dismissal of suit for non-prosecution but also order dated **18.5.2007**. This application under **Order IX Rule 9 CPC** was dismissed on **06.5.2010**, thereafter instead of filing an appeal or Revision against the dismissal order on application for restoration of suit dismissed for non-prosecution, the applicant filed an application under **Section 151 CPC** on **24.5.2010** for of recalling order of dismissal of application for restoration of suit. It was also dismissed by the trial Court right on the spot in presence of the learned counsel who has presented the said application in the

Court which has become functious officio on account of disposal of the lis on previous date. Then appellant took more than three years to file Civil Misc. Appeal No.20/2013 alongwith application for condonation of delay. Be that as it may, no plausible explanation for three years delay was mentioned in the affidavit; therefore, appeal was rightly dismissed as time barred. I may add here that even otherwise record shows that all efforts were made by the applicant to gain maximum time. The conduct of the applicant from the record in response to order passed by trial Court one by one clearly suggest that the time consumed since 2000 when suit No.624/2000 to 2013 was maximum time which could have been given by any Court to the applicant to get his case decided on merits.

In view of the above facts and discussion this revision has no merit; therefore, it is dismissed alongwith listed applications.

JUDGE

SM