

**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD**

**Civil Revision Application No.24 of 2011.**

Malook & others ----- applicants.  
Vs.  
Government of Sindh & others ----- Respondents

Date of hearing: 21.09.2020  
Date of decision: 25.09.2020

Ms. Samina Ajmaree advocate for applicants.

Mian Taj Muhammad Keerio advocate for private respondents.

Mr. Allah Bachayo Soomro, Additional Advocate General Sindh.

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**ORDER**

**ADNAN-UL-KARIM MEMON, J. -** Through this Revision Application, the applicants have called in question the judgment & Decree dated 29.3.2010 passed by learned Senior Civil Judge Mithi in F.C. Suit No. 01 of 2017 which was concurred by learned Additional District Judge Tharparkar @ Mithi vide judgment dated 29.11.2010 and decree dated 01.12.2010.

2. Initially, due to non-appearance of applicant on consecutive three date of hearing, the instant revision was dismissed for non-prosecution on 02.10.2015; thereafter on 14.03.2016, an application under Order 41 Rule 19 C.P.C. (C.M.A No. 427/2016) was moved for restoration of this Revision Application. Subsequently, the applicant and his counsel remained absent as such the listed application CMA No. 427 of 2016 for restoration of Revision Application was also dismissed for non-prosecution on 7.5.2018. Thereafter, the applicants filed another C.M.A No.1543 of 2019, seeking restoration of CMA No.427 of 2016, however, the Applicant and their counsels again remained absent, resultantly C.M.A No.1543 of 2019 was also dismissed for non-prosecution vide order dated 11.11.2019. Applicants again filed an application bearing C.M.A No.642 of 2020 for the restoration of C.M.A No.1543 of 2019 on the ground that the restoration application was

accompanied with personnel affidavit of counsel for applicants on the ground that he was not aware about the fixation of matter on the said date. With regard to absence of applicants, it has been disclosed that they were not informed about the date of hearing, which is not tenable for the reason that the case had appeared in daily cause list, therefore, it was the professional obligation of learned counsel to note the hearing of the case. Further, it was for the applicants to have been vigilant in pursuing their case.

3. From the foregoing factual position of the case I am of the considered view that absence of applicants and their counsel explicitly show their lack of interest in pursuing the matter vigilantly, compelling this court to dismiss the main Revision Application for non-prosecution and its subsequent restoration applications for non-prosecution. Now the applicants have approached this Court on the ground that due to absence of their counsel they should not suffer. This assertion of the applicants is untenable for the simple reason that several chances have been given to the applicants to pursue the matter but time and again they failed and neglected to pursue their matter vigilantly. Even otherwise the applicants have not given reason in the listed restoration applications.

4. In view of the above, no case for the indulgence of this court is made out, consequently, the listed C.M.A. Nos. 641 & 642 of 2020 merit no consideration, which are accordingly dismissed with no order as to costs.

**JUDGE**