

8.3.2019 but it was paid on 31.07.2019. Naturally after 31.07.2019 the copy was made ready and delivered on 2.8.2019. At the same time the respondent No.1 shown us certified true copies of judgment and decree for which he applied to the Banking Court on 13.3.2019 and the fee was estimated on the same day and he deposited the cost on 15.3.2019 and on the same day the certified true copies were delivered to him. No lawful justification has been placed by the counsel for the appellant for filing this appeal after lapse of limitation period. It is the responsibility of the court under Section 3 of the Limitation Act to consider the question of limitation through judicial notice, whether the appeal is time barred or not? Learned counsel for the respondent No.1 also made reliance on the judgment of Division Bench of this court in which one of us (Muhammad Ali Mazhar, J) was a member. Reported as **2019 CLD 659** (Pak Leather Crafts Limited & others vs. Al-Baraka Bank Limited), in which also the question of limitation was considered and it was held that once cost for certified copy had been estimated by copyist, the onus for depositing the same was on applicant and where applicant had committed delay in depositing cost for certified copy, the said applicant could not then take shelter under Section 12(5) of the Limitation Act. As such delay on the part of the applicant could not be termed as 'time requisite' for obtaining certified copy within the meaning of Section 12 of the Limitation Act.

3. As a result of above discussion, this appeal is dismissed accordingly along with pending application.

Judge

Judge