

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

CP No.S-995 of 2019

Date	Order with signature of Judge
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1. For hearing of CMA No.4471/2019 (stay)
2. For hearing of main case

17.01.2020

Mr. Ismail Ahmed, advocate for the Petitioner.

Mr. Mukhtair Ahmed Rahu, advocate for Respondent No.1.

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This constitution petition is directed against the order of dismissal of Family Appeal No.107/2019. The appeal was time barred and the explanation advanced by the appellant in his application under Section 5 of the Limitation Act, was not sufficient to condone the delay in filing of the appeal, such order cannot be assailed in constitution petition as it is pure factual issue raised by the petitioner before the Appellate Court for his failure to file appeal in time. It may be mentioned here that trial Court passed the judgment after contest in presence of the learned counsel for the defendant / petitioner herein.

In view of the above, petition is dismissed even otherwise not maintainable.

JUDGE

SM