

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

**Civil Revision No. S – 50 of 2008**

*Sachedino and another v.*

*Abdul Abdul Ghaffar (deceased) through his legal heirs and others*

Date of hearing: **21-01-2022**

Date of decision: **21-01-2022**

Mr. Kamran Mobeen Khan, Advocate for the Applicants.  
Mr. Soomar Das R. Parmani, Advocate for Respondents No.1 to 5.  
Mr. Mehboob Ali Wassan, Assistant Advocate General Sindh.

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**ORDER**

**Muhammad Junaid Ghaffar, J.** – This Civil Revision Application has been filed impugning order dated 09-08-2008 passed by the District Judge, Ghotki, through which the Appeal of the Applicants was dismissed as being time barred.

2. Heard both the learned Counsel and perused the record.

3. Apparently, the judgment was announced by the Trial Court on 26-03-2008 and decree was prepared on 27-03-2008; whereas, application for issuance of certified copy was filed on 27-03-2008. Thereafter, cost was estimated on 01-04-2008 and copy was made ready on 02-04-2008; whereas, the Appeal was filed on 02-05-2008. The limitation for filing the Appeal is thirty (30) days, and after deduction of the period consumed by the Court in estimation of cost i.e. five (05) days, at the most the Appeal was time barred by a maximum of one (01) day. An application was also filed for condonation of delay, and in view of this position apparently, the delay, if any, ought to have been condoned.

4. In view of the above position, this Revision Application is allowed. The impugned order dated 09-08-2008 is set aside; the delay in filing the Appeal is condoned; and the matter is remanded to the Appellate Court for deciding the Appeal on merits. Let such exercise be carried out by the Appellate Court within a period of ninety (90) days from today, as the matter pertains to the year 2008.

5. The Revision Application is **allowed** in the above terms.

Abdul Basit

J U D G E