

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

R.A. No.109 of 1996

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DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For hearing of C.M.A. No.269/2007
2. For hearing of main case

**18.01.2021**

Mr. Atta Hussain Gaddi Pathan advocate for applicants.

Mr. Qamar Mehmood Baig advocate for respondent No.2.

Mr. Muhammad Ismail Bhutto Addl. A.G Sindh.

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This civil revision application has been filed by the applicants Evacuee Trust Property Board and the Assistant Administrator Evacuee Trust Property against orders dated 24.04.1995 and 06.03.1996 passed in their Civil Appeal No.04 of 1991 by learned Additional District Judge Tando Adam. Vide former order, their appeal was dismissed for non-prosecution, and through the latter order, their application for restoration of the appeal was dismissed. Perusal of the impugned order dated 06.03.1996 shows that while dismissing the application for restoration, it was observed by the learned appellate court that their appeal was dismissed earlier for non-prosecution but was restored and then again it was dismissed for the same reason. It was further observed that on both occasions the applications for restoration were filed by the applicants on the 30<sup>th</sup> day. It is not disputed by learned counsel for the respondents that the subject application for restoration was within time. Therefore, dismissal of the said application on the basis of the above observation was not justified. Learned counsel for private respondent and learned A.A.G. state that they have no objection if the main appeal is restored to its original position.

Accordingly, the impugned orders are set-aside and Civil Appeal No.04 of 1991 filed by the present applicants is restored to its original position. However, applicants are directed to be vigilant in future by proceeding with their said appeal without any further delay ; and, the learned appellate court is directed to decide the said appeal within sixty (60) days strictly in accordance with law after providing opportunity of hearing to all concerned. By consent, this civil revision application and listed application stand disposed of in the above terms with no order as to costs.

JUDGE

