ORDER SHEET
THE HIGH COURT OF SINDH, AT KARACHI

Revision Application No.132 of 2020

Muhammad Yousuf

Versus

Afzalullah Siddiqui & others

Date	Order with signature(s) of Judge(s)

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1. For orders on CMA 5083/20
2. For hearing of main case.
3. For orders on CMA 5084/20

Dated: 02.04.2021

Mr. Hakim Ali Khan for applicant.

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Against conflicting findings of two Courts below in respect of a suit for specific performance, this revision application has been filed.

Respondent No.1 filed suit for specific performance on the strength of some documents including an agreement of 18.12.2007 followed by extension on 28.11.2013. Thus, for all intent and purposes the last arrangement in respect of the subject property for its specific performance was entered into on 28.11.2013. The suit was filed/ presented on 22.09.2015. Even if the date of the execution of last agreement is counted, this suit is within time though the time is reckoned from the date of denial, which has not been denied by the alleged vender. Although the trial Court rejected the plaint on the count that it was barred by time, but no plausible explanation and reasoning was given in its order. The appellate Court however in an appeal preferred by respondent No.1 reconsidered the order on the basis of material available on record and set it aside by remanding the case to the trial Court for deciding it in accordance with law after recording evidence. Insofar as present ground of suit being barred by time is concerned there is nothing on record to suggest that it was filed beyond the period of three years and attracts provisions of Limitation Act hence in the circumstances, revision has no substance and the impugned order does not require interference. Accordingly, the revision application is dismissed along with listed applications.

J U D G E