

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. S – 675 of 2021

Date	Order with Signature of Judge
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1. For orders on CMA No.4339/2021 (Stay) :
2. For hearing of main case :

27.09.2021 :

Mr. Zaheer Ahmed Ujjan Advocate for the petitioner.

Nadeem Akhtar, J. – This petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, has been filed by the petitioner against order dated 06.08.2021 (page 83) passed by the learned Xth Additional District Judge Karachi East in Family Appeal No.161/2021, whereby the said appeal filed by the present petitioner was dismissed as being barred by limitation. The aforesaid appeal was filed by the petitioner against the judgment and decree dated 06.04.2021 passed by the learned Family Court in Family Suit No.1877/2019 instituted against him by present respondents 1 to 3, whereby the said Suit was decreed by directing the petitioner to pay maintenance to the said respondents at the rate specified therein, and also to return the dowry articles to respondent No.1 or to pay an amount of Rs.300,000.00 to her in lieu thereof.

In compliance of order dated 20.09.2021, R&P of the aforesaid appeal has been received which shows that the decree was drawn on 06.04.2021 ; application for its certified copy was filed by the petitioner / defendant on 05.05.2021 ; fee was estimated and deposited on 09.06.2021 and the certified copy was issued on the same day ; and, the appeal was presented on 05.07.2021. According to the above dates, the application for certified copy of the decree was filed on the thirtieth (30th) day i.e. on the last day of the prescribed period of limitation of thirty days, which expired during the summer vacations of the Court. Therefore, the petitioner was required to file the appeal on the opening day of the Court after summer vacations i.e. on 01.07.2021. The appeal filed on 05.07.2021 was clearly barred by limitation, and admittedly the petitioner did not file any application before the learned appellate Court for condoning the delay in filing the appeal.

In view of the above, the petition and listed application are dismissed in limine with no order as to costs. Let R&P of Family Appeal No.161/2021 be returned forthwith the learned appellant Court.

JUDGE