

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Civil Revision No. S – 84 of 2011

(Niaz Hussain & others v. Tanveer Ahmed & others)

Date of Hearing: **23-05-2022**
Date of Order: **23-05-2022**

Mr. Bashir Ahmed Shar, Advocate for the Applicants.

ORDER

Muhammad Junaid Ghaffar, J. – Through this Civil Revision Application, the Applicants have impugned Order dated 07.03.2011, passed by the 2nd Additional District Judge, Khairpur in Civil Appeal No. 05 of 2010 (**Niaz Hussain & others v. Tanveer Ahmed & others**), whereby, Order dated 08.06.2010, passed by 1st Senior Civil Judge, Khairpur on an Application under Order IX Rule 9 CPC has been maintained, whereby the said Application for Restoration of the Suit was dismissed.

2. I have heard Applicants' Counsel and perused the record.

3. Admittedly, the Applicants in this Civil Revision Application have failed to annex the requisite documents, as required in the law including Plaint as well as the Order of the learned Trial Judge, whereby Suit was dismissed for non-prosecution. While confronted, learned Counsel for the Applicant is not in a position to controvert such factual position, except that he has been engaged recently. I am afraid this is no ground to satisfy such an objection. Moreover, as per two Orders of the Courts below, it appears that no case for indulgence, even otherwise was made out, as the Application for restoration was also time barred and no supporting application for condonation was ever filed. Per settled law, the relief of restoration is dependent upon showing a good and sufficient cause for absence¹, which in the instant matter are completely lacking; hence, no indulgence is warranted.

4. In view of such position, this Civil Revision Application merits no consideration and the same is accordingly **dismissed**.

JUDGE

Ahmad

¹ Adnan Trading Company v Appellate Tribunal Customs, Excise and Sales Tax (2011 SCMR 1535)