

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

C. P. No. D — 2464 of 2018.

DATE ORDER WITH SIGNATURE OF JUDGE[S]

11.05.2022.

1. FOR HEARING OF M.A. 164/2022 [Limitation].
2. FOR HEARING OF M.A. 165/2022 [Restoration].

Mr. Abdul Rashid Mughal Advocate for applicant / petitioner.
None present for respondents No.6 to 11.
Mr. Rafique Ahmed Dahri A.A.G. Sindh.

The listed applications are an application for condonation and for restoration of a restoration application. For the purposes of the facts the main petition was dismissed as not pressed on 09.08.2018. In response thereof an application for restoration of the petition was filed which too was dismissed on 5.10.2021. It was then followed by another application for its restoration along with an application for condonation of delay which are listed today.

Perhaps the application is apparently barred by time. Even for the sake of argument if the petition is restored, the facts of the petition are that a decree was transferred for the purposes of its execution vide order dated 19.4.2014. Since passing of the order until filing of this petition no objections were taken and after lapse of almost 04 years, this petition was filed which is even otherwise suffered from laches when it was filed. No useful purpose would be served even if this petition is restored. Apparently no fundamental right of the petitioner is violated which could enable them to file this petition. A revision would otherwise lie before District / Additional District Judge prima facie within a period of 90 days which petitioner failed to exhaust.

The applications are misconceived and dismissed.

Sd/- MUHAMMAD SHAFI SIDDIQUI,
JUDGE.

Sd/- IRSHAD ALI SHAH,
JUDGE.

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