

Order Sheet
IN THE HIGH COURT OF SINDH AT KARACHI
Miscellaneous Appeal No. 20 of 2022

Date	Order with Signature of Judge
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For orders on CMA No.2147/2022 (Exemption) :

For hearing of main case :

17.08.2022 :

Mr. Abdul Shakoor, advocate for the appellant.

NADEEM AKHTAR, J. – Through this appeal under Section 34 of The Sindh Consumer Protection Act, 2014, (**‘the Act’**) the appellant has impugned the order passed on 28.02.2022 by the Consumer Protection Court Malir whereby the complaint filed by the appellant under Section 26 of the Act was dismissed as being barred by limitation. Perusal of the impugned order shows that the cause of action for filing the complaint accrued to the appellant on 01.12.2021 and then again on 03.12.2021, whereas the complaint was filed by him on 25.02.2022. The complaint was dismissed by the Consumer Court in view of Sub-Section (4) of Section 29 of the Act which prescribes a limitation of thirty (30) days for filing a complaint under the said Section. The first proviso to Sub-Section (4) ibid provides that the Consumer Court may allow a claim to be filed after thirty (30) days within such time, as it may allow, if it is satisfied that there was sufficient cause for not filing the complaint within the prescribed period. It was held by the Consumer Court that not only the complaint was barred by limitation, but the appellant had also not prayed for condoning the delay in filing the complaint.

2. The dates of accrual of the alleged cause of action and filing the complaint mentioned in the impugned order are not disputed by the learned counsel. He, however, contends that in view of the correspondence and negotiations between the parties, the cause of action kept on accruing to the appellant and as such his complaint was not barred by limitation. He concedes that no material whatsoever was on record before the Consumer Court to show that the respondents had acknowledged their liability, or any part thereof, before the expiration of the period of limitation prescribed in Section 29(4) of the Act. In such circumstances, the impugned order is fully justified and does not require any interference by this Court. Accordingly, the appeal and listed application are dismissed in limine with no order as to costs.

J U D G E