ORDER SHEET

HIGH COURT OF SINDH AT KARACHI

HCA No.345 of 2019

Date Order with signature of Judge 1. For orders on C.M.A No.3706/19 (U/S 149 CPC) For orders on C.M.A. No.3707/2019 (Ex/A) 2. For Hearing of Main Case.

20.11.2019.

Appellant present in person.

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- 2. Exemption is granted subject to all just exceptions.
- 1&3. The instant High Court appeal has been filed impugning the order dated 17.10.2019 passed by the learned Single Judge in Suit No.368/2018. The appellant is present in person and states that the learned Single Judge was not justified in dismissing the suit on the ground that the same was barred by limitation. He has further stated that the appellant was not allowed to argue the case on other points involved in the matter and since serious prejudice has been caused to him, therefore the impugned order may be set aside.

We have heard the appellant and have perused the record.

Facts clearly reveal that the period in respect of which the appellant has shown to have caused prejudice pertains to the period between 2004 and 2009. Moreover, it is noted that that the incidents in respect of which he is allegedly aggrieved mostly arose in U.K. which definitely is outside the scope of this Court. It is a settled proposition of law the matter is always decided on limitation first and if the Court comes to the conclusion that the matter is miserably time barred, the decision on merit is not given. In the circumstances of the case, the learned Single Judge has categorically found that since all the allegations pertain to the period

between 2004 and 2009 hence the suit filed by the present appellant in 2018 was time barred. In these circumstances we do not find any reason to interfere in the findings recorded by the learned Single Judge. Moreover, before us also the appellant has failed to point out a single reason as to what precluded him in filing the suit as late as in 2018 with regard to the allegations pertaining to the period 2004 and 2009. Hence, in view of such uncontroverted facts this appeal is found to be not maintainable and is dismissed accordingly along with the listed application(s). Though we could have imposed a cost for filing the present appeal which is wholly misconceived and not maintainable but by taking a lenient view, no cost is being imposed.

JUDGE

JUDGE