

**IN THE HIGH COURT OF SINDH,  
BENCH AT SUKKUR**

**Civil Revision No.S – 79 of 2007**

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Date

Order with Signature of Hon'ble Judge

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**Application in disposed of cases**

For orders on CMA No.661/2021

**11.11.2022**

Syed Jaffer Ali Shah, Advocate for the Applicants  
Mr. Bakhshan Khan Mahar, Advocate for the respondents  
Mr. Noor Hassan Malik, Assistant Advocate General

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**ORDER**

**ZAFAR AHMED RAJPUT.J.-.** By means of listed application, the applicants seek recalling of the order dated 26.08.2019, whereby this Civil Revision Application was dismissed by this Court for non-prosecution.

2. Learned counsel for the applicants contends that the applicants were not aware about the date of hearing of this Civil Revision Application, and since earlier counsel for the applicants was already expired, the instant application could not be filed promptly; hence, he requests for restoration of this Civil Revision Application, on the ground that the absence of the applicants was neither intentional nor deliberate but due to the fact that the applicant was not having knowledge of the dismissal of the application on the day it was dismissed for non-prosecution.

3. On the other hand, learned counsel appearing for the private respondents as well as learned AAG Sindh maintain that the applicants have failed to show sufficient cause for restoration of the instant Civil Revision Application.

4. Heard and perused the record.

5. It appears that the instant Civil Revision Application was dismissed for non-prosecution on 26.08.2019 and thereafter on 28.06.2021 the listed restoration application was filed by applicant No.1 after passing of one year and ten months. Record shows that on 05.08.2019 this Court had already observed that the learned counsel for the applicants was least

interest in the proceedings of the case as the record revealed that since 22.09.2017, he was not appearing and some other lawyer held brief on 29.01.2018, 05.03.2018, 10.01.2019 and 08.02.2019 and on that date further development was that nobody was available to hold brief, hence, on the said date the Court adjourned the matter with caution that if none appeared, this Civil Revision Application shall be dismissed for non-prosecution and thereafter on 26.08.2019 when none was present on behalf of the applicants, this Court observing that same was the position on the last many dates of hearing, dismissed the Civil Revision Application for non-prosecution.

6. So far the grounds taken by the learned counsel for the applicants that the applicants were not aware about the fixing of the matter is concerned, it may be observed that the negligence and indolence of the Counsel is the negligence and indolence of the party. The absence of the parties and their Counsel on seven dates of hearing shows that the same was deliberate and willful, hence the cause shows by the applicants for restoration of the instant Civil Revision Application is unsound and unwarranted is declined. Consequently, the listed application is dismissed accordingly with no order as to costs.

Judge

ARBROHI