

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
R.A. No.261 of 2014
R.A. No.102 of 2020

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|-------------|--------------------------------------|
| DATE | ORDER WITH SIGNATURE OF JUDGE |
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30-11-2023

Mr. Muhammad Saleem Ansari, advocate for applicants in
R.A. No.102 of 2020.
Mr. Wali Muhammad Jamari, Assistant A.G Sindh.

These Revisions Applications were dismissed for non-prosecution
vide order dated 20.10.2023. same is reproduced herein below:

“These Revisions are pending since 2014 and 2020 respectively. Diary demonstrates that last time the applicants were represented in 2021. Thereafter, the applicants were remained unrepresented without intimation and justification and on the last date caution was also recorded. Today, the applicants remain unrepresented and Mr. Muhammad Saleem Ansari, advocate holds brief for Mr. Chaman Lal Thadhani, advocate for applicant in R.A.No.102 of 2020 once again requested for an adjournment. Revisions are dismissed for non-prosecution. Office to place copy of this order in connected Revision Application.”

The diary denotes that after 13.01.2021 the applicants remained consistently unrepresented in these proceedings and despite caution having been recorded on 29.05.2023. Same was the case on 20.10.2023, when the revisions were dismissed.

Today restoration applications has been filed and the ground pleaded is the applicant was ill (on the date of dismissal) and the counsel arrived late on the said date. Respectfully it does not provide any justification for the persistent absence of the applicants since 2021.

A party is required to remain vigilant with respect to legal proceedings; more so when the same have been preferred by the party itself. The truancy of the applicants from the proceedings under scrutiny is *prima facie* apparent and the same has also been admitted presently. Under such circumstances it was the prerogative of the Court to determine the proceedings and that is what appears to have been done. Counsel remained unable to justify the persistent absence and no case has been made out to condone the default. The Supreme Court has observed in *Nadeem H Shaikh*¹ that the law assists the vigilant, even in causes most valid and justiciable. The fixation of cases before benches / courts entails public expense and time, that must not be incurred more than once in the absence of a reason most genuine and compelling. Default is exasperating and such long drawn ineptitude cannot be allowed to further encumber pendency of the Courts.

In view hereof, no case is made out for grant of the applications; which are hereby dismissed *in limine*. The office is directed to place a copy hereof in the connected file.

Judge

¹ Per Qazi Muhammad Amin Ahmed J. in *SECP vs. Nadeem H Shaikh & Others (Criminal Appeal 518 of 2020)*; Order dated 27.10.2020.