

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

First Appeal No.118 of 2023

Hussain S/o Sher Ali
Versus

Learned IInd Additional District and Sessions Judge, Karachi South & others

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Hearing case (priority)

1. For hearing of CMA No.5960/2023 (Limitation)
2. For order on office objection/reply "A".
3. For hearing of main case.
4. For hearing of CMA No.5962/2023 (stay).

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Dated 25.01.2024

Mr. Jamil Ahmed Ghazali, Advocate for the appellant.

Hafiz Danish Iqbal Memon, Advocate undertakes to file vakalatnama on behalf of Respondents No.3 & 4.

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1. In terms of objections, this appeal is time barred by 58 days. The decree impugned in this appeal was passed in summary suit No.114/2022 on 25.09.2023. The suit was contested, as leave was granted, issues were framed and evidence was recorded. The decree, however, was not challenged within time, as a belated attempt has been made to file this appeal along with instant application under Section-5 of the Limitation Act supported by two medical certificates of "Doulat Clinic", which is perhaps a welfare organization; earlier one being issued on 26.11.2023, which disclosed that perhaps the appellant was suffering from fever and was under treatment. Some depressive illness and viral fever was disclosed in the medical report. This could hardly be conceived to be an illness, which could deprive the appellant from filing this appeal within prescribed time. No satisfactory reasons are provided in the affidavit supported by two medical certificates of Doulat Clinic Welfare Organization; hence instant application is dismissed.

Since the appeal is barred by 58 days' time, therefore, the appeal is also dismissed along with other listed application(s).

JUDGE

JUDGE

Ayaz Gul