

THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry &
Mr. Justice Jawad Akbar Sarwana.

High Court Appeal No. 281 of 2024

[Mrs. Yagana Dost Muhammad v. Khubana Omer & others]

Appellant : Mrs. Yagana Dost Muhammad
through Mr. Naveed Anjum,
Advocate.

Date of hearing : 27-08-2024

Date of order : 27-08-2024

ORDER

Jawad Akbar Sarwana J. - 1] Urgency granted. 2-4] Mr. Aman Aftab, Advocate, files Vakalatnama for Respondent No.1 pursuant to notice under Order XLIII Rule 3 CPC.

This High Court Appeal is against the order dated 03.06.2024 passed by the learned Single Judge rejecting the plaint filed by the appellant/plaintiff on the ground of limitation. Admittedly, the case of the appellant/plaintiff was that on 04.04.2007, she transferred by way of a gift deed 50% of her share in the Subject Property to her sister, which Subject Property belonged exclusively to her vide Mutation Order dated 07.11.2002. The Official Respondents recorded the gift vide Mutation Order dated 19.05.2007 and Indenture of Lease dated 18.04.2019. Thus, when the appellant/plaintiff challenged the gift deed by way of a suit for declaration, cancellation of documents and permanent injunction filed on 13.01.2024, the learned Single Judge found the reliefs claimed to be hopelessly time-barred and rejected the plaint.

We have neither cause nor ground for any interference in the impugned Order passed by the learned Single Judge. The reliefs sought by the appellant/plaintiff are hopelessly time-barred for the reasons stated in the impugned Order. Accordingly, the appeal and pending application(s) are dismissed in limine.

JUDGE

JUDGE