

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI.**  
**Execution Appln. No. 57 of 2023**

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Dated                      Order with signature of Judge.

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For orders on Execution Application a/w office objection.

**26.3.2024.**

Mr. Javed Ahmed Qazi, for decree holders.

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Through the captioned proceeding, the Applicant seeks execution of the decree drawn up on 22.12.2017 in Suit No.1457/1999. At the time of its presentation on 04.11.2023, the office had raised an objection as to the maintainability of this Execution Application while pointing out that the same appeared to be barred by limitation as it had been filed more than 5 years after the date of Decree.

In endeavour to address that objection, learned counsel for the Decree Holders sought to argue that the matter was not to be reckoned with reference to the 3-year period prescribed in terms of Article 181 of Schedule I to the Limitation Act 1908, but was instead governed under Article 183 thereof, which prescribes a period of 6 years to enforce a judgment, decree or order of a High Court in the exercise of its ordinary original civil jurisdiction. In support of that submission, he placed reliance on the judgment rendered by a learned Single Judge of this Court in the case reported as Messrs Aeroflot Russian Airlines v. Messrs. Gerry's International (Pvt) Limited 2005 CLC 273, as well as a judgment of the Lahore High Court in the case reported as Faysal Bank Limited v. Knit Knot (Pvt) Ltd 2017 CLD 1028.

Upon consideration, the submission is found to be misconceived inasmuch as the aforementioned judgment of this Court itself runs contrary thereto, with it having been held therein as follows:

“In the light of above discussion, I am of the view that the jurisdiction exercised by this Court while trying the Suit is of principal Civil Court of Original jurisdiction in contradistinction with extraordinary civil jurisdiction exercised by the chartered High Courts. The view taken in Mian Akbar Hussain v. Mst. Aishabai (supra) by the Supreme Court is fully applicable to the present case. Article 181 is applicable to the application for execution of the decree passed by this Court on original side and not the Article 183 of the Limitation Act.

Next point which requires determination is whether the execution application was filed beyond the period of three years. The decree is dated 14.5.1999, its copy was applied on 04.5.1999 and the same was supplied on 15.5.1999. Execution Application was filed on 09.9.2003 beyond the period of three years as prescribed in the Article 181 of the Limitation Act. As a consequence thereof, the admission order is recalled and the Execution Application is dismissed as barred by time.”

Under such circumstances, the matter is found to be barred by limitation. As such, the office objection is sustained and the Execution Application dismissed accordingly.

**Judge**