

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

High Court Appeal No.143 of 2024

Salahuddin  
Versus  
Sohail Azam & others

Date	Order with signature of Judge
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1. For orders on CMA 847/24
2. For orders on CMA 848/24
3. For orders on office objection a/w reply as at "A"
4. For orders on CMA 849/24
5. For hearing of main case

**Dated: 17.04.2024**

Mr. S. Shoa-un-Nabi for appellant.

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Heard the counsel and perused record.

Impugned in this appeal is an order dated 11.08.2021 passed on some interlocutory applications in suit pertaining to some business dispute whereby market value of some properties was ordered to be ascertained through Nazir of this Court wherein appellant was represented by Ms. Tabasum Hashmat Advocate.

The only defence that is provided by the learned counsel for the appellant for this time barred appeal is that copies of the said CMAs on which the order was passed were not provided either to the plaintiff/appellant or to the counsel appearing for him (plaintiff) in the suit. This could hardly be an excuse as the plaintiff was represented by a counsel who also appeared in the matter on crucial date when the impugned order was passed i.e. 11.08.2021.

It also appears that the instant appeal is filed belatedly as the appeal is filed on 03.04.2024 whereas the order impugned is of

11.08.2021. In this regard record reveals that copy was obtained on 22.03.2024 whereas it was applied for, on 18.03.2024. There is no justification for this appeal to be filed after almost three years and there is no reasonable explanation provided in the supporting affidavit of the application for condonation of delay. The affidavit only provides that the order was passed without providing an opportunity of hearing and no counter-affidavit on the applications were filed.

The order impugned before us also shows that the appellant/ plaintiff was represented by a counsel who has filed this appeal and the opening paragraph of second page of the impugned order also suggests that it was with the consent of the counsel.

In view of above, the appeal being misconceived has no merit and is accordingly dismissed along with listed applications.

**Judge**

**Judge**