

# THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Zafar Ahmed Rajput &  
Mr. Justice Adnan Iqbal Chaudhry.

High Court Appeal No. 296 of 2024  
[Saeed Uddin Qureshi through LRs v. Dr. Waqar Saeed & others]

Appellants : Saeed Uddin Qureshi through legal heirs namely, Imtiaz Bibi and another through Mr. Minhaj-ul-Islam Farooqi, Advocate.

Date of hearing & short order : 05-12-2024

Date of reasons : 09-01-2025

## JUDGMENT

**Adnan Iqbal Chaudhry J.** - This appeal was dismissed by us in *limine* by a short order dated 05-12-2024. Reasons for the dismissal follow.

2. The appeal is by the plaintiffs of Suit No. 245/2009, the plaint of which was rejected under Order VII Rule 11 CPC by a learned single Judge of this Court by order announced on 30-12-2019. The appeal having been presented on 29-08-2024 is time-barred by 3 years and 7 months or so. By CMA No. 1884/2024 under section 5 of the Limitation Act, 1908, the Appellants pray that the delay be condoned.

3. The grounds taken for condoning the delay are that the Appellant No.1 was suffering from emotional distress and mental injury caused to her by acts of the Respondents in depriving her of her rights; that since she was illiterate, she was misguided of her legal rights by her counsel; and, at the same time it is submitted that she was not able to afford counsel to file an appeal. The grounds taken are not only vague but also unintelligible. In any case, no medical evidence is filed to show that the Appellant No.1 was suffering from a mental ailment or incapacity that prevented her from filing an appeal within limitation. The submission that she was illiterate and misguided by legal counsel in pursuing a legal remedy is essentially

stating that she was ignorant of the law and therefore no ground at all. As regards the Appellant No.2, she has not filed any affidavit to advance any ground whatsoever to condone the delay.

4. For the foregoing reasons, none of the grounds urged in CMA No. 1884/2024 constitute sufficient cause to condone delay under section 5 of the Limitation Act, 1908. The application is therefore dismissed. Resultantly, the appeal stands dismissed.

**JUDGE**

**JUDGE**

*SHABAN\**