

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No. D-3901 of 2019

Date	Order with Signature of Judge
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D/o Matter

For hearing of CMA No. 25114/2023 (Restoration)

30-01-2025

Mr. Muhammad Nazir Tanoli Advocate for the Petitioner
Mr. Imran Ahmed Khan Abro, Assistant Advocate General Sindh

This petition was filed in 2019 and order sheet highlights that it has been dismissed for non-prosecution time and time again. On each occasion the petition has been subsequently restored, however, the conduct of the petitioner remains the same. Same relief is sought, once again, through the listed application.

The record *prima facie* demonstrates the disinterest of the petitioner in the present proceedings. No justification for the absence of the respective learned counsel has been articulated.

A party is required to remain vigilant with respect to legal proceedings; more so when the same have been preferred by the party itself. The truancy of the petitioner from the proceedings under scrutiny is *prima facie* apparent. Under such circumstances it was the prerogative of the Court to determine the proceedings and that is what appears to have been done. Counsel remained unable to justify the persistent absence and no case has been made out to condone the default. The Supreme Court has observed in *Nadeem H Shaikh*¹ that the law assists the vigilant, even in causes most valid and justiciable. The fixation of cases before benches / courts entails public expense and time, which must not be incurred more than once in the absence of a reason most genuine and compelling. Default is exasperating and such long drawn ineptitude cannot be allowed to further encumber pendency of the Courts.

Under such circumstances no case appears to have been made out to grant this application, therefore, the same is dismissed.

Judge

Judge

Amjad PS

¹ Per Qazi Muhammad Amin Ahmed J. in *SECP vs. Nadeem H Shaikh & Others (Criminal Appeal 518 of 2020)*; Order dated 27.10.2020.