

(199)

ORDER SHEET  
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA  
Civil Revision No. S- 28 of 2014

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection 'A'
2. For Katcha peshi.
3. For Hearing of CMA No.96/2014

05.12.2016

Mr. Ghulam Dastagir A. Shahani, Advocate for the applicants.  
Mr. Abdul Hameed Khan, Advocate for the Respondents No.8 to 10  
Mr. Ameer Ahmed Narejo, State counsel.


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This civil revision application is directed against the order dated 11.01.2014 whereby the learned 3<sup>rd</sup> Additional District Judge, Dadu dismissed the civil appeal bearing No.77/2010 holding the same as time barred and the case of the appellants as meritless if the same is taken into consideration.

It appears that the judgment & decree dated 23.6.2010 & 29.6.2010 respectively passed by the learned Senior Civil Judge Mehar in Old FC Suit No.73/1997, 29/2003 and New FC Suit No.16/2010 was impugned by the applicants/appellants in Civil Appeal No.77/2010. Admittedly the applicants/appellants applied for the certified copy of the judgment dated 01.7.2010 (with delay of one day), which were received by them on 16.7.2010 and thereafter they filed the aforementioned civil appeal on 04.8.2010 (after 20 days on receiving copies of the judgment and decree) hence the same was filed on 21<sup>st</sup> day after excluding the time consumed in obtaining certified true copies of the judgment and decree under Section 12 of the Limitation Act; therefore, the civil appeal was within time.

So far observations of learned appellate Court that the case of the appellants is meritless If taken into consideration, is concerned, the learned appellate Court admittedly has given this finding without hearing the counsel for the parties on merits of the appeal /case. Therefore, this civil revision application is allowed by consent of the counsel for the parties and the impugned order is hereby set aside and matter is remanded to learned appellate Court to decide the same on merits in accordance with law after hearing the parties.

Civil Revision application stands disposed of.

  
Judge