

ORDER SHEET
**HIGH COURT OF SINDH CIRCUIT COURT,
HYDERABAD**

R.A No.150 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
1.	For orders on C.M.A No.2042/2024
2.	For hearing of main case

13.11.2024

Mr. Muhammad Usman, advocate for applicant

ORDER

YOUSUF ALI SAYEED, J - This Revision Application has been preferred against the Order made by the learned District Judge/Mode Civil Appellate Court Matiari on 28.03.2024, dismissing Civil Appeal No.20 of 2023 filed by the present Applicant against the Order made by the learned Senior Civil Judge Matiari on 07.08.2023 on an Application under Order VII Rule 11 CPC, so as to reject the plaint of F.C Suit No.35 of 2022 on the ground of limitation.

2. A perusal of the plaint reflects that the Suit was presented on or around 19.03.2022 seeking a delcaration as to the validity and genuineness of Entry Nos.208 and 209 dated 21.03.1960 and impugning Entry No.832 dated 12.09.2007, with the cause of action was said to have accrued upon the different dates of those entries but also said to have accrued lastly on 04.02.2022 when the Senior Member Board of Reveue dismissed the appeal of the applicant/plaintiff.

3. Under such circumstances it is apparent that the Applicant was aware of the Entries and had elected to pursue a remedy before the revenue authorities whilst the th period of limitation prescribed for a civil cuit had begun to run, and lapsed in the intervening period. The relevant excerpt from the impugned Order of the Appellate Court takes stock of that situation, reading as follows:

„8.Plaintiff/appellant challenged the said entry No.832 dated 12.09.2007 and prayed for its cancellation coupled with declaration; however, he filed the suit in the year 2022, after about 15 years. If the limitation period of declaration and cancellation of entry No.832 is calculated from the year 2007, even so the suit of plaintiff/appellant does not come within the limitation period, therefore, I agree with the observation of learned trial court that suit of plaintiff is hopelessly time barred.“

4. On query posed at the outset to learned counsel as to what error or infirmity afflicted the orders of the fora below, no cogent response was forthcoming, with reliance merely being placed on the cases reported as Muhammad Faraz and another vs. Abdul Rashid Khan and others 1984 SCMR 724 and Saleem Malik vs. Pakistan Cricket Board and 2 others PLD 2008 SC 650. However, the same are of no avail to the Applicant as they proceed on a different footing and do not address the point at hand.

5. Under the circumstances the Revision Application is found to be devoid of force and stands dismissed accordingly along with the pending miscellaneous application(s).

JUDGE

Sajjad Ali Jessar