

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

C.P. No. D-1400 of 2015  
[Ltd. Commander (Rtd) P.N. versus Karachi Port Trust]

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on CMA No. 9668 of 2025.
- 2. For orders on CMA No. 9667 of 2025.

**26-05-2025**

Mr. Muhammad Iqbal Chaudhry, Advocate for the Petitioner.  
Mr. Muhammad Khalid Javed Raan, D.A.G.

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**ORDER**

**Adnan Iqbal Chaudhry J. -** The Applicant, who was petitioner in the case, prays for review of judgment dated 22.11.2019 passed by a Division Bench of which I was a member, the other member having since been elevated to the Supreme Court. The review application moved in 2025 is time-barred by more than 4 years, hence with an application under section 5 of the Limitation Act, 1908 to condone the delay.

2. In support of the review application, learned counsel for the petitioner submits that though the judgment was in the petitioner’s favor, the facts noticed therein were the result of mis-reading the facts that had been pleaded, thus the relief granted to the petitioner did not serve his purpose. He submits that the relief granted could in fact be termed a judicial over-reach. As regards the application to condone delay, learned counsel relies upon order dated 26.03.2025 passed by the Supreme Court in C.P. No. 995-K of 2023.

3. Heard learned counsel and perused the record.

4. The first hurdle for the petitioner is of course limitation. It is settled law that judgment passed by the High Court in constitution petition is judgment in the exercise of original jurisdiction and therefore Article 162 of the Limitation Act, 1908 applies to an application for review in a constitution petition as well which

provides a limitation of 20 days [*Hussain Bukhsh v. Settlement Commissioner, Rawalpindi* (PLD 1970 SC 1); *The Pakistan Defence Housing Authority v. Khadijabai* (1991 SCMR 1399); *Abdul Khalique Soomro v. Government of Sindh* (PLD 2007 Kar 374)].

5. It appears that after the judgment was announced on 22.11.2019, the Petitioner took no issue with it for the longest time. In fact, on 29.02.2020, he even moved a contempt application to enforce the judgment as is, which application was disposed of on 16.11.2020. On 15.10.2021, the Petitioner moved CMA No. 6029/2022 under section 152 CPC for correction in the judgment on the same grounds that are now urged in the review application. That application was dismissed on 15.05.2023. Against that, the Petitioner approached the Supreme Court by C.P. No. 995-K of 2023. But, that petition was not pressed by the Petitioner on 26.03.2025 while stating that he intends to file a review application before the High Court “*subject to all just exceptions*”; hence the Petitioner is before this Court once again.

6. The order of the Supreme Court is of no help to the Petitioner. That only records the Petitioner’s intention to move a review application before the High Court “*subject to all just exceptions*”. Limitation is such an exception. Even if time spent in pursuing the application under section 152 CPC is somehow excluded, the review application is still hopelessly time-barred. No attempt has been made in the application under section 5 of the Limitation Act to explain the delay. Therefore, CMA No. 9668/2025 is dismissed. Resultantly, CMA No. 9667/2025 also stands dismissed.

**JUDGE**