

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD

R.A. No.67 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
	1. For orders on C.M.A. No.2447/2024 (application U/O 43 Rule 3).
	2. For hearing of C.M.A. No.1513/2024 (application u/s 5 of Limitation Act).
	3. For hearing of C.M.A. No.1514/2024 (application U/O IX Rule 9 C.P.C)

17.02.2025

Mr. Mazhar Ali Laghari, Advocate for applicant.
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The instant revision was dismissed for non-prosecution on 19.12.2023 and for restoration of the matter an application under Order IX Rule 9 C.P.C has been filed by the applicant on 20th March 2024 along-with application under section 5 of the Limitation Act. The learned counsel pleads that in view of the judgment passed by the Supreme Court in the case of Haji Musharraf Mahmood Khan (deceased) through L.Rs v. Sardarzada Zafar Abbas [PLD 2024 Supreme Court 588], wherein the principle is that time for restoration of a revision application would be three years and therefore this application is within time and was filed immediately as soon as applicant came to know about the dismissal of the matter. In addition to the above, the applicant has also filed an application for withdrawal of the instant revision along-with affidavit of Fateh Muhammad son of Uris Chang, who is one of the applicant in the matter and on instructions he does not wish to press this matter. In view of the above, without entering into the merits of the case, the restoration application is allowed and the order dated 19.12.2023 is recalled consequently revision is restored to its original position as it was before its dismissal and the instant revision application is therefore dismissed as withdrawn along-with pending application.

JUDGE

*Muhammad Danish**