

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

R.A. No.134 of 2010.

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For Katcha Peshi.
2. For hearing of MA 437/2010

26.08.014.

Mr. Bharat Kumar Suthar Advocate for the applicants.
Mr. Ashfaque Nabi Qazi Assistant A.G

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Heard learned counsel for the applicants. Learned counsel is unable to explain delay in filing of the appeal before the first appellate court. Mere filing of affidavit of the applicants that perhaps there were holidays without any proof that what kind of holidays were claimed by applicants/appellants, which did not allow them to file appeal in time is not sufficient to justify delay in filing of the appeal. Before this court, I have repeatedly asked learned counsel for the applicants to explain the circumstances and atleast nature of the holidays which according to him ought to have been counted for limitation. No explanation, no statement is available with the applicants justifying their delay in filing of the appeal before the appellate court. In these circumstances, I do not feel comfortable to interfere in the findings of the courts below. The learned appellate court has relied upon the case law in the impugned order i.e. 2002 SCMR 1903. Unfortunately learned counsel for the applicants is not even able to satisfy this court as to whether the appeal was in time or not and he has not disputed that the reliance placed by appellate court on Supreme Court case was not relevant.

In view of the above circumstances, I am not inclined to interfere in the findings of the appellate court, which do not suffer from any illegality or irregularity. Accordingly, instant Revision Application is dismissed alongwith listed application.

JUDGE

A.K