

**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**

R.A. No.231 of 2011.

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For Katcha Peshi.
- 2. For hearing of MA 909/2011.

12.08.014.

Barrister Jawad Ahmed Advocate for the Applicant
Mr. Aamir Ali Memon Advocate for the respondents.

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This Revision arises from the order whereby an appeal was dismissed by lower appellate court for non-prosecution on account of non payment of cost and also on account of non appearance of his counsel before the appellate court. The counsel for the respondents has informed that his suit was decreed after contest on merits. Therefore, without touching the merits, it would be in the fitness of things that one opportunity of hearing and examination of the impugned Judgment and Decree by appellate court should be provided to the applicant. However this Revision is pending since 2011, therefore, subject to payment of cost of Rs.15000/- within three days and on clear understanding that the applicant and his counsel will appear before learned VIIth Additional District Judge, Hyderabad on 27.08.2014 on which date the learned appellate court will take up Civil Appeal No.189/2009 and hear it and decide the same on merits within 15 days. This fifteen days time is for the learned trial court to pass a comprehensive Judgment after hearing the parties. However, the parties shall not be allowed to seek more than one adjournment and, that too, shall not be for more than 2-4 days from 27.08.2014 so that the time limit given to the appellate court to decide the appeal within 15 days may not be disturbed. Compliance of this order should be reported to this court through Additional Registrar on or before 15.09.2014. The appellate court shall ensure before proceeding with the case that the cost has been paid to the respondents/plaintiffs.

The Revision Application is disposed of in the above terms.

JUDGE

A.K