

413/25

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Muhammad Ali Mazhar
Mr. Justice Syed Hasan Azhar Rizvi
Mr. Justice Aqeel Ahmed Abbasi

Civil Appeal No. 101-K of 2022

(Against the judgment dated
12.04.2022 passed by the High Court
of Sindh, Bench at Sukkur in 1st Civil
Appeal No.D-19/2002)

Province of Sindh through Land Acquisition
Officer ...Appellant(s)

Versus

Abdul Tawab & others ...Respondent(s)

For the Appellant : Mr. Suresh Kumar, Addl: A.G.
Mr. Muhammad Iqbal Chaudhry, AOR

Respondents in : Abdul Baseer (R-2b), Abdul Shaheed (R-2c),
person Abdul Kabir (R-2d), Abdul Basit (R-2e),
Abdul Raqeeb (R-8b), Hamdullah [R-14d(ii)],
Ibbadullah [R-14d(iii)], Rushadullah [R-
14d(iv)], Sanaullah [R-14d(v)], Muhammad
Umar (R-16b), Abdul Hameed (R-26), Shah
Muhammad (R-27), Muhammad Siddiq (R-
29), Abdul Rahim (R-32), Ghulam Hyder (R-
35), Ali Hassan (R-38), Ubedullah (R-39),
Habib-ur-Rehman (R-41), Muhammad Ilyas
(R-42), Ameeruddin (R-43), Shamsul Haq
Indhar (R-45), Naeemullah (R-48), Abdul
Shakoor (R-49), Abdul Wahid (R-50), Nazeer
Ahmed (R-51), Muhammad Hassan (R-52),
Umme Muslimeen (R-53) and Muhammad
Mudasir (R-54)

Date of Hearing : 13.06.2025

Judgment

Muhammad Ali Mazhar, J:- The appellant has challenged the
judgment dated 12.04.2022 passed by the High Court of Sindh,
Bench at Sukkur, in 1st Appeal No.D-19 of 2002.

2. In fact, the Province of Sindh through Land Acquisition Officer
challenged the judgment dated 28.02.2002, passed by the Referee
Court/Additional District Judge, Sukkur, in Land Acquisition
Reference/Suit No.13 of 1989, whereby the Reference was allowed

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in favour of the private respondents and the quantum of compensation was enhanced.

3. The learned Additional Advocate General ("A.A.G.") argued that while enhancing the amount of compensation, both the courts below failed to consider the documents and evidence led in the matter, and without any lawful justification, the amount of compensation was enhanced. When we confronted him about this appeal being barred by 30 days, the learned A.A.G. pointed us to the application moved for condonation of delay i.e., CMA No. 654-K/2022.

4. As far as the merits of the case are concerned, the learned High Court has properly considered the impugned judgment dated 28.02.2002 passed by the Referee Court/Additional District Judge after taking into consideration all necessary components and ingredients required to be looked into while deciding a Land Acquisition Reference. The findings on Issue No.8 are quite relevant, which for the ease of reference are reproduced as under:


"Issue No.8. In view of the above discussions, the present suit stands decreed and as per (Section 34 of the Land Acquisition Act which relates to the payment of interest of amount of compensation at the rate of 6% per annum from the date of taking possession and further 15% compulsory acquisition charges and additional compensation charges at the rate of 15% per annum payable to the applicants from the date of notification U/S 4 of the Land Acquisition Act till the payment of compensation. Further if the compensation and interest as discussed has been paid earlier, then the compensation should be charged on left over items excluding the payment made in the award in dispute, specifically from the date of taking over the possession of left over items accordingly."

5. This Civil Appeal is barred by 30 days and the condonation application attached with the appeal does not specify any ground for indulgence of this Court except few unconvincing and generic grounds; for instance, after passing the impugned judgment, the appellant's representative approached the Office of Additional Advocate General, Sindh, at Sukkur, for obtaining certified copies of the impugned judgment and memo of appeal. Thereafter, the office of the Additional Advocate General, Sindh, at Sukkur, moved an application for obtaining certified copies of the impugned

judgment and memo of appeals, which were made ready and were delivered to the appellant, and then matter was assigned to the AOR. No explanation was offered as to why the matter was delayed and who was responsible for such delay. The question of limitation cannot be taken casually or unconscientiously. If any person or party wants to file an appeal in the higher court, he should be vigilant and diligent in pursuing his available remedy within the stipulated timeframe. If the department was negligent or reckless and approached the A.A.G. Office with delay, then no premium of such delay can be accorded with the benefit of condonation in the lapse of time.

6. In the case of Regional Police Officer, Dera Ghazi Khan Region versus Riaz Hussain Bukhari (**2024 SCMR 1021 = 2023 SCP 323**), one of us, speaking for the bench, held that while considering the grounds for condonation of delay, whether rational or irrational, no extraordinary clemency or compassion and/or preferential treatment may be accorded to the Government department, autonomous bodies, or private sector/organizations; rather, their cases should be dealt with uniformly and in the same manner as cases of ordinary litigants and citizens.

7. We noted many times that appeals are instituted by the Federal and Provincial Governments and autonomous bodies after the lapse of the period of limitation postulated by the law and the plea taken for condoning the delay is invariably and inevitably that the time was spent in fulfilling inter-departmental procedures and seeking final instructions from the competent authority. Seemingly, applications for condonation of delay are being filed as a routine matter, while adopting a callous approach, which fails to recognize that the delay cannot be condoned without the presence of sufficient cause or explaining the delay of each and every day. The mechanical and unpersuasive justification of administrative delays has almost become a trend which is consistently pleaded for condonation of delay through stereotypical and generalized applications, which in our point of view cannot be considered 'sufficient cause' or a reasonable ground in every case. At times, this cavalier attitude and approach smears and smacks *mala fide* and leads to the belief that the appeal is intentionally being presented belatedly only as a formality in order to provide an



undue advantage to the other side, rather than due to any genuine intent to challenge the judgment or order.

8. No doubt, the law favours adjudication on merits, but simultaneously one should not close their eyes or oversee another aspect of great consequence, namely that the law helps the vigilant and not the indolent. At this juncture, it is quite relevant to quote a Latin maxim "*Leges vigilantibus non dormientibus subserviunt*" or "*Vigilantibus Non Dormientibus Jura Subveniunt*" which articulates that the law aids and assists those who are vigilant but not those who are sleeping or slumbering. Delay in invoking a lawful remedy by a person or entity who was sleeping over their rights may be denied. The doctrine of equality before law demands that all litigants, including the State, are accorded the same treatment and the law is administered in an even-handed manner. The astuteness of the law of limitation does not confer a right but ensues incapacitation after the lapse of the period allowed for enforcing some existing legal rights and it foresees the culmination of claims which have decayed by the efflux of time. It is the inherent duty of the Court to delve into the question of limitation, regardless of whether it is raised or not. Carelessness, intentional or obvious sluggishness, or dearth of *bona fide* are no reason for condonation of delay.

9. As a result of the above discussion, we do not find any lawful justification to cause any interference, therefore the aforesaid Civil Appeal along with CMA No. 654-K/2022 is dismissed not only on merits but also being barred by time.


JUDGE


JUDGE


JUDGE

Karachi
13th June, 2025
B-K Soomro
Approved for reporting