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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE MUSHIR ALAM
MR. JUSTICE MUNIB AKHTAR

CIVIL APPEAL NO.73-K OF 2018

Syed Jameel Ahmed

...Petitioner(s)

VERSUS

Muhammad Salam and others

...Respondent(s)

For the Petitioner(s): Mr. Shahab Sarki, ASC
 Mr. K. A. Wahab, AOR

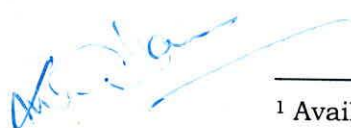
For the Respondent(s): Ex-parte.

Date of Hearing: 23.07.2021

ORDER

This direct appeal has been filed assailing the judgment dated 28.09.2018, rendered by learned single Bench of the High Court of Sindh, Karachi in C.R. No.84/2012, whereby civil revision filed by respondents herein was accepted, impugned order of the learned Appellate Court was set aside and that of the learned Trial Court was restored.

2. It is, *inter alia*, contended by the learned counsel for that the appellant was non-suited on the ground of limitation and as regard the excerpts of paragraph No.6 of the impugned judgment ¹ wherein it is recorded that the fact of the present controversy was very much in the knowledge of the appellant. The same reads as under:

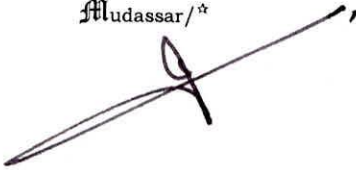

¹ Available at page 18 of the paper book.

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"Filing of Suit No.879 in the year 1991 and plaint presented on 05.11.1991, gave rise that Plaintiff Syed Jamil Ahmed in the year 1991 was aware about the lease executed in favour of Defendant No.1 but the present suit has been filed in the year 1995 after about four years, whereas Article 91 (sic) of Limitation Act provides a period of three years for cancellation of an instrument as such suit of the Plaintiff is time barred"

2. Learned counsel states that the suit referred in the reproduced paragraph above does not relate to the present controversy, therefore, limitation would not come in his way and if at all such relates to the same property, of course he may have to cross such hurdle. Therefore, he seeks time to place on record to substantiate his contention. Needful be done before the next date of hearing. Adjourned.

KARACHI
23rd July, 2021
Mudassar/☆




Judge


Judge