

342/25

SUPREME COURT OF PAKISTAN
(Review/Appellate Jurisdiction)

PRESENT:

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

C.R.P. No.43-K of 2024 in CP 1280-K of 2022

(For review of order of this Court dated 11.06.2024 passed in CP No.1280-K/2022 filed against the judgment dated 29.09.2022 of the High Court of Sindh at Karachi in CP No.D-2583/2022)

Syeda Fatima Haider

...Petitioner (s)

Versus

M/s. Novartis Pharma Pakistan Ltd. & others

...Respondent(s)

Petitioner(s)

: Mr. Abu Bakar Khalil, AHC
(with permission of the Court)
Alongwith Petitioner

For the Respondent(s)

: Mr. Faisal Mehmood Ghani, ASC

Date of Hearing

: 05.06.2025

ORDER

Muhammad Ali Mazhar, J:- The petitioner has filed this petition for review the order dated 11.06.2024 whereby the CPLA No. 1280-K/2022 was dismissed. The main ground urged by the petitioner that in the main judgment of the High Court it was mentioned that no condonation application was filed in support of restoration application before the learned Single Member of the NIRC which was infact filed and reflected in the order passed by the Full Bench of NIRC in their order dated 03.02.2022 available at page 45. He also pointed out order of the Single Member dated 30.03.2021 which shows that only restoration application was dismissed being barred by 25 days but nothing has been mentioned with regard to the ground raised in the condonation of delay in support of application for condonation.

2.

Mr. Faisal Mehmood Ghani, ASC undertakes to file power of attorney in the Review Petition on behalf of Respondents

in due course of time and argued that speaking order has been passed by the NIRC and appeal was also time barred. He further submits that there is some interpolation of dates in issuing the certified copy by the NIRC. So far as application for condonation of delay before the learned Single Member is concerned, he admits that there was an application.

3. In view of the above, we recall the order dated 11.06.2024 passed in CPLA No. 1280-K/2022 and direct the office to fix CPLA No.1280-K of 2022 before us today.

CPLA No.1280-K of 2022

4. After hearing both the parties, this petition is converted into appeal and allowed. The impugned judgment passed by the High Court on 29.09.2022 and order dated 03.02.2022 passed in Appeal No. 12-A(134)/2021-K, both are *set aside* and matter is remanded to the learned Single Member Bench of the NIRC to decide the restoration application as well as application for condonation after providing ample opportunity of hearing to the parties. The Respondents may also raise all objections before the learned Single Member Bench of NIRC. It is clarified that restoration application alongwith condonation application of delay shall be decided on its own merits without being influenced by the order of this court.


JUDGE


JUDGE


JUDGE


Karachi
5th June, 2025
Adil Arab