

**ORDER SHEET.**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**  
**REGULAR SECOND APPEAL NO. 4 OF 2024**  
**MST. RABIA PARVEEN**  
**VS**  
**CHAUDHRY MUHAMMAD TARIQ ETC.**

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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<u>27.02.2025</u>	<b>M/s Syed Ahmed Hassan Sabir and Muhammad Hassaan Malik, Advocates for the Appellant.</b>
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Through the instant Regular Second Appeal, the Appellant has assailed the Judgment and Decree dated 10.2.2024 (**“Impugned Judgment and Decree I”**) passed by the Civil Judge, 1<sup>st</sup> Class, Islamabad-East (**“Trial Court”**) whereby the Suit for Declaration, Cancellation, Possession and Injunction filed by the Appellant as well as the Suit for Declaration and Permanent Injunction filed by the Respondent No. 1 [Ch. Muhammad Tariq] were dismissed. The Appellant has further assailed the Judgment and Decree dated 18.7.2024 (**“Impugned Judgment and Decree II”**) passed by the learned Additional District Judge-III, Islamabad (East) (**“Appellate Court”**) whereby the Appeal filed by the Appellant against the Impugned Judgment and Decree I has been dismissed whereas the appeal filed by the Respondent No.1 against the Impugned Judgment and Decree I has been accepted.

2.     Arsalan Khan son of Abdul Bari Khan who is one of the legal heirs of Mst. Rabia Parveen filed the instant Appeal challenging the Impugned Judgment and Decree passed by the learned Appellate Court. The record shows that the application for the issuance of certified copy was submitted on 25.07.2024, and the certified copy was

prepared on the same date. The instant appeal was filed on 23.10.2024 i.e. after 97 days from the date of the Impugned Judgment and Decree passed by the learned Appellate Court. As such the instant Appeal is badly time-barred. Under Article 156 of the Limitation Act 1908 (**“Limitation Act”**) ninety days limitation period is provided for filing an appeal under Section 100 of the Code of Civil Procedure, 1908 (**“CPC”**). Under Section 5 of the Limitation Act, the Appellant is required to demonstrate sufficient cause for not filing the appeal within the prescribed time period. The Appellant's counsel claimed that Arsalan Khan, one of the legal heirs, was ill and provided a photocopy of medical prescription dated 18.07.2024 from a private doctor, recommending one week of bed rest. However, this prescription was not from a government hospital and cannot be considered as sufficient evidence. The Appellant's counsel also failed to explain why the Appeal could not have been filed within the limitation period after the one-week bed rest. Furthermore, another legal heir, Mst. Sobia, daughter of Abdul Bari Khan, could have also filed the Appeal but she did not do so. Therefore, under the present circumstances, the Appeal is time-barred by seven days, and the Appellant's counsel has not provided a satisfactory explanation for each day of delay.

3. For what has been discussed above, the instant Regular Second Appeal is hereby **dismissed in limine** as being time barred.

(MUHAMMAD AZAM KHAN)  
JUDGE