

**C.R. No.106/2014.**

3. Conversely, learned counsel for the respondents contends that both the Courts below have rightly decided the question of limitation as the petitioner filed suit after the elapse of three years and seven months without any justification, whereas period for filing

suit for recovery is three years from the date of accrual of cause of action i.e. 15.05.2008 and as such delay cannot be condoned in any manner.

4. I have heard the arguments and perused the record.

5. Perusal of the record reveals that petitioner/OGDCL is mainly aggrieved with the concurrent findings of the Courts below, whereby suit of the petitioner against the respondents for recovery of Rs.2,00,000/- was dismissed being time barred mainly for the reason that the suit was filed on 21.01.2012 on the basis of surety bond executed by respondent No.1 on 14.01.2008 as the petitioner hired services of respondent No.1 as Assistant Geophysicist as a trainee against monthly stipend of Rs.18,000/- per month subject to condition that he will complete the training, however, if he leaves the training during the notified period in the surety bond, he shall pay amount of Rs.2,00,000/- by himself or the same shall be recovered from the sureties/respondents No.2 & 3.

6. As per record, respondent No.1 was enrolled vide letter dated 14.03.2008/Exh.P.2 and the surety bond/Exh.P.3 was executed. The terms and conditions referred as Exh.P.4, contain period of 11 months, however, respondent No.1 joined the training on 14.01.2008 and left the same on 15.05.2008 before the completion date i.e. 13.02.2009. The petitioner issued different legal notices and letters to respondent No.1 to join his training but no reply was filed, therefore, the petitioner filed suit on 21.01.2012 on the basis of cause of action accrued on 15.05.2008. Learned Trial Court dismissed the suit being time barred while calculating the time period for suit of recovery as three years from the date of accrual of cause of action i.e. 15.05.2008. This fact has also been appreciated by the learned Appellate Court in the same manner.

7. The petitioner filed the suit on the basis of terms and conditions of bond, which have been violated by respondent No.1, whereas Article 68 of Limitation Act, 1908 provides period of three years when the condition is violated/not fulfilled as such cause of action accrued to the petitioner on 15.05.2008 when respondent No.1 left the training. This fact came on record during evidence of the petitioner as P.W.1 in the following manner:-

"یہ کہ مدعا علیہ نمبر 1 بغیر وجہ بتائے اور بغیر اطلاع کے مورخہ 15-05-06 کو ٹریگ سے غائب ہوا۔"

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8. Moreover, the petitioner is delinquent party, which cannot be allowed to claim condonation on the basis of its interpretation as the petitioner slept over its rights for considerable period without any justification.

9. In view of above discussion, both the Courts below have rightly appreciated the legal proposition and passed the impugned judgments in accordance with law and no illegality has been observed in the same. The instant civil revision petition bears no merits, therefore, the same is hereby **dismissed**.

**(MOHSIN AKHTAR KAYANI)**  
**JUDGE**

R.Anjam