

Form No: HCJD/C-121.

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Custom Reference No.20 of 2018

Sanaullah

Vs.

Custom Appellate Tribunal Islamabad, 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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10.	03.10.2022	Mr. Azhar Yousaf, Advocate for applicant. Ms. Naziran Malik and Mr. Sajid Mehmood Baig, Advocates for respondents No.5 and 6 respectively.
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Learned counsel for the respondents raised a preliminary objection to the maintainability of the reference for being barred by limitation.

2. Learned counsel for the applicant states that the impugned order was passed on 08.02.2017 and the reference before the High Court was filed on 11.04.2018 after the delay of nine months beyond the period of limitation. He states that the grounds mentioned in the application for condonation of delay was that the petitioner was involved in criminal proceedings with the customs department and consequently could not file the reference within the provision of limitation period. This unfortunately is not sufficient cause for condonation of delay for purposes of Section 5 of the Limitation Act, 1908.

3. This Court therefore is not convinced that the reference is not barred by limitation

and the same stands ***dismissed*** for not being maintainable with no order as to cost.

(SAMAN RAFAT IMTIAZ)
JUDGE

(BABAR SATTAR)
JUDGE

M.A. Raza