

**ORDER SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

W.P.No.2448 of 2021

Sadeem ur Rehman

**Versus**

**Mst. Saima Ahmed and others**

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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**15.12.2021**

**Syed Sadaqat Ali, Advocate for the petitioner,  
Ms. Sana Pervaiz Mir, Advocate for respondent  
No.1.**

Through the instant writ petition, the petitioner, Sadeem-ur- Rehman, impugns the order dated 23.06.2021 passed by the Court of the learned Additional District Judge, Islamabad whereby his appeal against the judgment and decree dated 20.04.2021 passed by the Court of the learned Judge Family Court, was dismissed primarily on the ground of limitation. The judgment and decree was passed on 20.04.2021, whereas the appeal against the said judgment and decree was filed on 22.06.2021 after the delay of one month and two days.

2. Learned counsel for the petitioner has brought on record notification dated 30.09.2021 issued by this Court according to which the period between 24.03.2020 to 30.09.2021 was to be condoned in terms of Section 12 of the Limitation Act, 1908 (“the 1908 Act”).

3. Learned counsel for respondent No.1 submitted that since the petitioner’s appeal was admittedly barred by one month and two days, the learned Appellate Court did not commit any illegality by dismissing his appeal on the ground of limitation.

4. I have heard the contentions of the learned counsel for the contesting parties and have perused the record with their able assistance.

5. Due to the COVID-19 pandemic coupled with the lockdown policy of the Federal Government,

this Court, vide office order No.181/IHC/2020, dated 24.03.2020, directed that owing to the then prevailing emergency situation in the country, the period of limitation prescribed by laws for filing appeals / petitions etc. in this Court as well as in the Civil and District Courts, Islamabad shall be deemed to be condoned and the Courts shall be presumed to be closed during the period in the public interest, within the meaning of Section 4 of the 1908 Act. Since the Federal Government lifted certain restrictions earlier imposed by it, this Court directed that the said office order dated 24.03.2020 shall cease to have effect from 30.09.2021 and the period from 24.03.2020 to 30.09.2021 shall be excluded for the purpose of computing the limitation in terms of Section 12 of the 1908 Act for filing of any suit, petition and appeal.

6. In the case at hand, the limitation for filing an appeal against the judgment and decree dated 20.04.2021 passed by the learned Civil Court expired on 20.05.2021. The appeal was filed by the petitioner on 22.06.2021. Since the period of delay with which the appeal was filed was after the issuance of the said office order dated 24.03.2020 and before its recall vide notification dated 30.09.2021, the delay with which the appeal was filed stood condoned.

7. In view of the above, the instant petition is allowed; the impugned order dated 23.06.2021 passed by the learned Appellate Court is set-aside; and the matter is remanded to the learned Appellate Court to decide the appeal on merits.

**(MIANGUL HASSAN AURANGZEB)**  
**JUDGE**