

In the Supreme Court of Pakistan
(Appellate Jurisdiction)

Present:

Mr. Justice Anwar Zaheer Jamali
Mr. Justice Sh. Azmat Saeed
Mr. Justice Dost Muhammad Khan

C.M.A.No.6941 of 2014.
(Application for suspension of impugned judgment)

in

Civil Appeal No.47 of 2015
(on appeal from judgment of Islamabad High Court, Islamabad
dated 30.9.2014, passed in W.P No.4413 of 2013))

IESCO thr. its Chief Executive IESCO, Islamabad & another

...Applicants/Appellants

Versus

Muhammad Nawaz Gondal & others

..Respondents

For the applicants/appellants: Mr. Salim Khan, ASC.

For the respondents: Ch. Munir Sadiq, ASC.

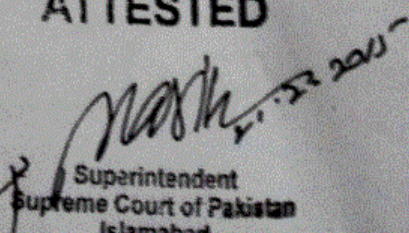
Date of hearing: 13.2.2015

ORDER

Anwar Zaheer Jamali, J.- Today, when we have taken up this civil appeal for hearing of C.M.A No.6941/2014, the learned ASC for the respondents Ch. Munir Sadiq, has raised a preliminary objection as regards the maintainability of the appeal, being barred by limitation.

2. We have accordingly perused the case record from the original Court file and seen that this appeal, as per office note, is time barred by 48 days. In the application for condonation of delay, reason assigned for this purpose is that the copy of the judgment, which could have been filed alongwith the memo of petition, was not available, therefore, some time was consumed in obtaining another certified true copy from the Islamabad High Court, which took sufficient time and resulted in the delay in filing the petition from which the present appeal arises.

ATTESTED

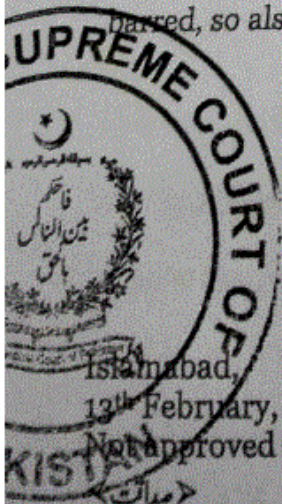

Superintendent
Supreme Court of Pakistan
Islamabad

3. We have heard the arguments of both the learned ASCs on the question of condonation of delay in the filing of this appeal and perused the case record. Even if the period of limitation for the purpose of filing the leave petition is computed from 09.12.2014, the date on which the petition was presented before this Court for the first time alongwith copy of the impugned judgment, which was not in accordance with the prescribed rules, still the petition at the relevant time was time barred by 4/5 days. In such circumstances, the ground for condonation of delay urged in the application is of no help to the case of the appellant. Learned ASC for the appellant, when confronted with this position also did not dispute that the petition against the impugned judgment of the Islamabad High Court, which should have been filed within the prescribed period of limitation, plus the time legally permissible in terms of section 12 of the Limitation Act, 1908, for obtaining certified true copy, could not be filed within such period.

4. This being the position, the appeal is dismissed as time-barred, so also the listed C.M.A.

Sd/- Anwar Zaheer Jamali, J
 Sd/- Sh. Azmat Saeed, J
 Sd/- Dost Muhammad Khan, J

Certified to be True Copy



Islamabad,
 13th February, 2015.

Not approved for reporting.

[Signature]
 21.2.2015
 Superintendent
 Supreme Court of Pakistan
 Islamabad

[Handwritten marks]

[Handwritten number] 2358/15