

SUPREME COURT OF AZAD JAMMU & KASHMIR

[Appellate Jurisdiction]

PRESENT:

Raja Saeed Akram Khan, J.
Ghulam Mustafa Mughal, J.

Civil Appeal No.175 of 2017
(Date of institution: 14.6.2017)

Muhammad Shareef, s/o Roshan Ali caste Mughal,
r/o House No.321, Mohajir Colony, Mirpur.

.....APPELLANT

V E R S U S

1. Zaheeruddin s/o Muhammad Ayaz, caste Qureshi, r/o House No.E.111, Sector A/5, Mirpur.
2. Additional District Judge Mirpur.
3. Civil Judge, Court No.1, Mirpur.

.....RESPONDENTS

[On appeal from the order of the Additional Registrar,
dated 31.5.2017, whereby petition for leave to
appeal has been refused to be entertained]

FOR THE APPELLANT: Mr. Ahmed Saad
Khan, Advocate.

FOR THE RESPONDENTS: Mrs. Ghazala Haider
Lodhi, advocate.

Date of hearing: 23.1.2019

JUDGMENT:

Raja Saeed Akram Khan, J.—Through the titled appeal, an order passed by the Registrar of this Court on 31.5.2017 has been challenged, whereby he has refused to entertain the petition for leave to appeal.

2. Mr. Ahmed Saad Khan, advocate, counsel for the appellant, stated that the Additional Registrar of this Court failed to take into account that the delay caused in filing of the petition for leave to appeal was not intentional, rather, due to serious illness, the appellant could not engage the counsel within time. He added that the application for condonation of delay was also filed but the same was not taken into consideration and the petition for leave to appeal along with the ancillary application was refused to be entertained.

3. On the other hand, Mrs. Ghazala Haider Lodhi, advocate, counsel for the respondents, while supporting the order passed by the Additional Registrar, submitted that the same is in accordance with the rules, as the appellant failed to bring on

record anything in support of his claim, therefore, the same is not open for interference by this Court.

4. We have heard the learned counsel for the parties and gone through the impugned order.

From the record it appears that admittedly the petition for leave to appeal was filed after reasonable delay of 99 days, for which no plausible explanation/reason whatsoever has been brought on the record, regarding the serious illness, as the appellant claims, and in absence of that, the Additional Registrar has not committed any illegality while refusing to entertain the same, as the Rules do not support such like practice. Resultantly, finding no force in this appeal, the same is hereby dismissed with no order as to costs.

JUDGE

JUDGE

Mirpur
---.1.2019