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**COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA**

Case Title: Mati Ullah VS Asif Shah etc

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No 12	27.02.2023	<p>Presence as before.</p> <p>Through my this single order, I intend to dispose off an application for setting aside an ex-parte decree, Dated: 04.08.2021 granted by my learned predecessor, filed by the petitioner against the respondents.</p> <p>This application was strongly contested by the other party by filing replication and arguments thereto.</p> <p>Arguments heard and record perused.</p> <p>After hearing of arguments and perusal of the record, I am of the opinion that the present petitioner was served personally through summons available on page No. 56 of the original file and resultantly he appeared in person in the court as mentioned in the order No. 08, Dated: 06.03.2021 of the main file and he was given an adjournment for filing written statement on 15.03.2021 but on the coming date he remained absent that is why he was placed and proceeded ex-parte and the plaintiff was directed to produce ex-parte evidence, who accordingly availed the opportunity and resultantly the suit against the present petitioner was decreed in ex-parte vide order No. 20, Dated: 04.08.2021. But the present petitioner has filed this petition on 10.11.2022 i.e after the lapse of 15 months and 06 days. But according to Article 164 of the Limitation Act 1908, such an application can only be filed within thirty (30) days from the date of decree.</p> <p>Thus, the petition of the present petitioner is badly time barred, therefore, dismissed with costs.</p> <p>File be consigned to the record room after its necessary completion and compilation.</p> <p><b><u>Announced</u></b> 27.02.2023</p> <p> <b>(Rehmat Ullah Wazir)</b> Senior Civil Judge, Orakzai (at Baber Mela)</p>