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Case Title: Sameer Khan VS Zaman Khan

Or.....10
13-10-2020

Parties present. Through my this single order I intend to dispose off an application for setting aside an ex-parte decree Dated: 16.11.2019, filed by the petitioners against the respondent.

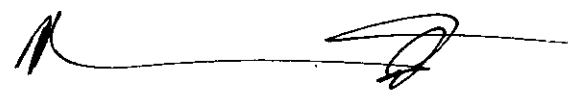
This application was strongly contested by the other party by filing replication and forwarding arguments thereto.

Arguments heard and record perused.

After hearing of arguments and perusal of the record, I am of the opinion that as per the summons issued for 09.10.2019, it has been reported that the present petitioners/defendants refused to receive the summons and that they have nothing to do with the case. Further, an other summons has be issued to the present petitioners/defendants for 18.10.2019, which has returned with report that the present petitioners/defendants refused to receive the summons and that they have nothing to do with the case. Only then they have been placed and proceeded ex-parte *vide Order. 03 Dated: 18.10.2019* by my learned predecessor in office in the light of the report. The impugned ex-parte decree has been passed on *16.11.2019* against the present petitioners while the instant application has been filed on 03.03.2020, meaning thereby that after the lapse of almost 3.5 months while the statutory period for setting aside an ex-parte decree is 30-days. Thus, the application of the petitioners for setting aside ex-parte decree is badly time barred, hence, *dismissed*. Costs shall follow the event.

File be consigned to the record room after its necessary completion and compilation.

Announced
13.10.2020


(Rehmat Ullah Wazir)
Civil Judge-I
Orakzai (at Baber Mela)