

Order-18
13/01/2021

112

Plaintiff through counsel present.

Defendant present through representative.

Evidence of the plaintiff not produced.

Perusal of the record reveals that proceedings in instant case are fixed for evidence of plaintiff since 26.02.2020 and repeatedly opportunities were provided to the plaintiff to produce his entire evidence but so far, he has only recorded his own statement on 15.06.2020 and thereafter, could not produce remaining witnesses. On previous date, last chance with notice **under order 17 rule-3 CPC** was given but in-spite of notice, he failed to produce his evidence. No plausible reason was furnished by the counsel for plaintiff that why evidence could not be produced by the plaintiff today.

Record divulges that more than sufficient opportunities were provided to the plaintiff for production of his evidence but he failed to produce his evidence in-spite of notice given to him **under order 17 rule-3 CPC** on previous date. In attending circumstance, court is left with no option but to exercise its powers **under order 17 rule-3 CPC**.

By exercising such powers, the right of to produce evidence by plaintiff is hereby stuck off and suit of plaintiff is dismissed for want of sufficient evidence. No order as to cost. File be consigned to record room after necessary compilation and compilation.

Announced
13/01/2021

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
Farman Ullah
Senior Civil Judge,
Orakzai at Baber