


Civil Misc. Appeal No. 12/14 of 2023

Date of institution: 19.07.2023

**Shahzad Khan Vs Saad Khan**

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-02	26/07/2023	<p>Appellant in person and Sayed Hamza Gilani Advocate for respondent are in attendance. Learned counsel representing respondent stated at the bar that he has no objection over the restoration of Civil Misc Appeal dismissed in default of appearance.</p> <p>2. Miscellaneous Civil Appeal bearing No. 6/14 of 2023 called in question the validity and propriety of the Order dated 29.04.2023, passed by learned Civil Judge-II, Kalaya, Orakzai, in Civil Suit titled "Shahzad Khan vs Saad Khan" whereby, the learned Trial Court has vacated ex-parte status quo order, was dismissed in default of appearance vide Order No. 9 dated 08-07-2023. Petitioners feeling aggrieved present instant application for restoration which is under consideration.</p> <p>3. Sayed Hamza Gilani Advocate representing respondent stated at the bar that he has no objection over the restoration of Civil Misc Appeal dismissed in default. He put his stance in written on the margin of pending petition.</p> <p>4. The reason mentioned in application is falling within the ambit of sufficient cause for being enabling in nature that requires to be construed liberally. The respondent is not objecting restoration as well. Moreso, petition is within time prescribed by the Limitation Act, 1908.</p> <p>5. In the light of above discussed facts and circumstances of the case followed by mutual consent of the parties pen downed in black and white, petition for restoration of appeal is allowed. Consequently, the file of CMA No. 6/14 be restored and registered on its old number Neem. Copy of this Order be placed on file restored while file of this Court be consigned to the District Record Room Orakzai after completion and compilation, within the span allowed for.</p> <p><b>Announced in open Court</b></p> <p> Sayed Fazal Wadood. AD&amp;SJ, Orakzai at Baber Mela</p>