

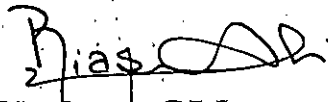
Haji Rehman and others Vs Arab Khan and others

Note Reader

29.09.2023

Vide Order Endst No. 9020-50/Admn, dated: 26.09.2023 by Peshawar High Court, Peshawar it is observed 12th Rabi Ul Awal, 1445A.H. as public holiday.

File to come up for the previous proceedings on 06.10.2023.


Reader to CJ-I,
Orakzai (at Baber Mela)

Order...05

06.10.2023

Present:

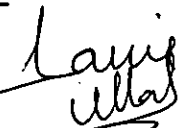
Plaintiffs through counsel.

PWs absent.

Today the case was fixed for ex-parte evidence but counsel for the plaintiffs requested for adjournment due to non-availability of their witnesses.

Perusal of case file transpires that notice Under Order 17 Rule 3 CPC was given to the plaintiffs for production of evidence on previous date but they failed to do so. Thus, the said notice is extended till next date with strict directions to the plaintiffs to produce witnesses on next date positively.

File to come up for ex-parte evidence on 13.10.2023.


Sami Ullah
Civil Judge-I,
Orakzai (at Baber Mela)

Order...06

13.10.2023


Present:

Plaintiffs absent.

PWs absent.

Today the case was fixed for ex-parte evidence of the plaintiffs, repeated calls were made but none appeared on behalf of the

(Continued...)


Sami Ullah
Civil Judge/JM-I
Orakzai at (Babar Mela)


Order...06
Continued.
13.10.2023

plaintiffs till the rising of the court. Perusal of case file transpires that Notice Under Order 17 Rule 03 CPC was given to the plaintiffs for production of their witnesses. The said notice was extended previously and the case was adjourned on previous date due to non-availability of witnesses. It is also pertinent to mention that the instant suit was previously dismissed in default, Vide Order No.30, dated: 16.05.2023 after that plaintiffs filed restoration petition.

In this situation, the court is left with no other option. Therefore, the plaintiffs lost their right of evidence due to non-compliance of order 17 Rule 3 CPC.

Thus, in these circumstances the suit of the plaintiffs is hereby **Dismissed** for non-production of evidence and non-compliance of Notice U/O 17 Rule 3 CPC.

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


Sami Ullah
Civil Judge-I,
Orakzai (at Baber Mela)