

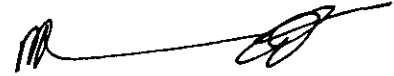
(4)

Title: Moeen Hassan VS Syed Hassan Jan

Or.....05  
04.09.2021

Presence as before.

Today the case was fixed for order on restoration application but perusal of case file reveals that the original file has not yet been requisitioned. Thus, original case file be requisitioned and be put up with the instant file for order on 18.09.2021.



(Rehmat Ullah Wazir)  
Civil Judge-I,  
Camp Court, Kalaya, Orakzai

Or.....06  
18.09.2021

Presence as before.

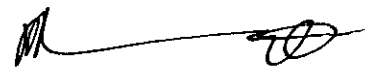
Through my this single order, I intend to dispose off an application for restoration of the suit titled as "Moeen Hussain VS Syed Hassan Jan", dismissed in default by this court on 16.09.2020, filed by the petitioner against the respondent.

The counsel for the petitioner argued that the petitioner was sick on the date fixed, that is why, he could not appear before the court and requested for its restoration.

Arguments heard and record perused.

After hearing of arguments and perusal of the record, I am of the opinion that the suit of the petitioner was dismissed on 16.09.2020 while the instant application has been filed on 17.10.2020, after the lapse of 30 days which as per the Article 163 of the Limitation Act, 1908, is badly time barred. Also, the petitioner has not filed any application for condonation of delay. Guidance in this respect is derived from SCMR, 2005, page 609, Supreme Court of Pakistan. Thus, in the light of the aforesaid findings, the application in hand is hereby dismissed with cost.

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



(Rehmat Ullah Wazir)  
Civil Judge-I,  
Camp Court, Kalaya, Orakzai