

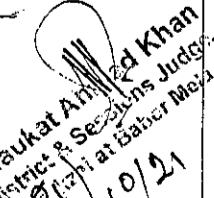


IN THE COURT OF DISTRICT JUDGE, ORAKZAI AT BABER MELA

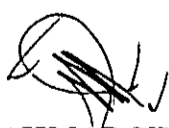
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Case Title: Moeen Hassan vs Eyed Hassan Jan

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
<p>Superintendent Note</p>	<p>16.10.2021</p>	<p>Civil appeal presented through counsel, Sanaullah Khan Advocate. The memo of appeal is accompanied by attested copy of the impugned order and other relevant record. Submitted, please.</p> <p align="right">  (SUPERINTENDENT) To District Judge, Orakzai at Baber Mela. </p>
<p>Order No.01</p>	<p>16.10.2021</p>	<p>Register. Counsel for the appellant present. Preliminary arguments heard. Points raised need consideration. Admitted for full hearing. Notice be issued to the respondent for <u>21.10.2021</u>. Record of the application for restoration and record of case file be requisitioned for date fixed.</p> <p align="right">  (SHAUKAT AHMAD KHAN) District Judge, Orakzai at Baber Mela </p>
<p>Order No.02</p>	<p>21.10.2021</p> <p align="left">  Shaukat Ahmad Khan District & Sessions Judge, Orakzai at Baber Mela 10/21 </p>	<p>Counsel for the appellant present. Record received. Jabir Hussain Advocate present and submitted Wakalatnama on behalf of respondent. Placed on file.</p> <p>Arguments heard. During the course of arguments when the learned counsel for respondent was confronted with the situation that the instant petition is barred by time of only one day and that it is settled principle of law that</p>

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		<p>the lis before the court should be decided on the basis of merits instead of technicalities, he conceded the appeal subject to heavy cost and requested that keeping in view the delaying tactics of the appellant/plaintiff, the learned trial court may be directed to decide the same earliest.</p> <p>In view of the frank concession of the learned counsel for respondent and keeping in view the golden principle of law that the lis before the court must be decided on the basis of merits avoiding the technicalities, on acceptance of the instant appeal the impugned order dated 18.09.2021 of learned trial court is set aside subject to a cost of Rs. 3000/- to be paid by the appellant/plaintiff before the learned trial court. Needless to mention that the learned trial court must expediate the proceedings and decide the case at earliest. File of this court be consigned to record room. Record be returned with copy of this order to the learned trial court. Parties are directed to appear before the learned trial court on 27.10.2021.</p> <p><u>Pronounced:</u> 21.10.2021</p> <p style="text-align: right;"> (SHAUKAT AHMAD KHAN) District Judge, Orakzai at Baber Mela</p>