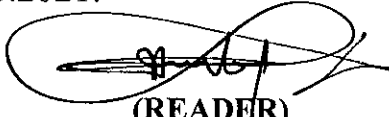
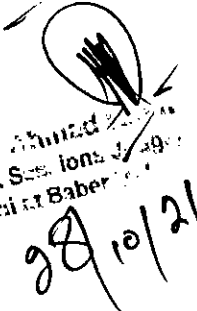


**IN THE COURT OF DISTRICT JUDGE, ORAKZAI AT BABER MELA**


③

Case Title: Shaib Khan vs Ambil Khan etc

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
Note Reader	23.10.2021	<p align="center">Presiding Officer is availing casual leave today.</p> <p align="center">Case file be put up for 28.10.2021.</p> <div align="center">                       (READER)                      To District Judge, Orakzai                      at Baber Mela                 </div>
Order No.05	28.10.2021	<p align="center">Appellant Shaib Khan along with his counsel present. Respondents not present. Hence, they are placed and proceeded ex-parte. Recovered received.</p> <p align="center">Arguments heard and case file perused. Perusal of the case file shows that a civil suit bearing no 2/1 of respondents/defendants was dismissed in default vide order date 04.03.2021. The appellants/plaintiffs filed application for restoration of the same which was turned down by learned trial court vide impugned order dated 14-07-2021 on account of being filed with delay, hence bared by law of limitation. The appellants/plaintiffs being aggrieved of the order filed the instant appeal. It is evident from the record that the instant petition is time barred by time of five days and it is settled principal of law that the lis before the court should be decided on the basis of merits instead of technicalities.</p> <p align="center">In view what is discussed above, on acceptance of the instant appeal the impugned order date 14-07-2021 of learned trial court is set aside. Suit of the appellant/plaintiff be restored subject to cost of Rs.5000/-</p>

  
 District Sessions Judge  
 Orakzai Baber Mela  
 28/10/21

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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>to be paid by the appellants/plaintiffs to the respondents/defendants before the learned trial court. File of this court be consigned to record room. Record be returned with copy of this order to the learned trial court.</p> <p>Parties are directed to appear before the learned trial court on 02.11.2021</p> <p><b><u>Pronounced:</u></b> 28.10.2021</p> <p style="text-align: right;"> <b>(SHAUKAT AHMAD KHAN)</b> District Judge, Orakzai at Baber Mela</p>