




IN THE COURT OF DISTRICT JUDGE, ORAKZAI AT BABER MELA

2

Case Title: Sajawal Khan vs Shah wazir 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
Superintendent Note	10.05.2022	<p>Miscellaneous Petition presented through representative of counsel, Abid Ali Advocate to the office of Superintendent. Be put up before Honorable District & Sessions Judge, Orakzai, for further orders, please</p> <p align="right">  (SUPERINTENDENT) To District Judge, Orakzai at Baber Mela. </p>
Order No.01	10.05.2022	<p>Register. Notice be issued to the respondents and record be requisitioned for 12.05.2022.</p> <p align="right">  (SHAUKAT AHMAD KHAN) District & Sessions Judge, Orakzai at Baber Mela. </p>
Order No.02	12.05.2022	<p>Petitioner alongwith his counsel present. Respondent no. 2 Mustajab Khan alongwith his counsel, Noor Mir Jan advocate present.</p> <p>Counsel for respondents submitted that as the petition is within the time and the law also favours deciding the case on merits instead of resorting to technicalities; therefore, he does not want to contest the application for restoration of civil appeal no. 4/14 of 12.04.2022 decided on 30.04.2022.</p> <p align="center">Arguments heard and record perused.</p>

3

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>Contin. Order No.02</p>		<p>Perusal of the case file shows that the petitioner who was plaintiff before the court of learned Civil Judge-I, Orakzai, filed a civil appeal no. 4/14 of 12.04.2022 against the order dated 10.03.2022 of learned Civil Judge-I, Orakzai passed in civil suit no. 118/1 of 08.09.2021. During the course of hearing of appeal, the respondents were summoned out of whom respondent no. 2 appeared in person and submitted a power of attorney on behalf of respondent no. 1 and 4 alongwith Wakalatnama of Mr. Noor Mir Jan Advocate. On 30.04.2022 the petitioner/appellant failed to appear before the court; therefore, the same was dismissed in default, for restoration of which the instant petition was filed on 10.05.2022, for the reasons mentioned in the application.</p> <p>As the petition is within the⁵ time, the law favours deciding the cases on the basis of merits and the respondents also raised no objections on restoration of the appeal; hence, the instant petition is accepted and the appeal is restored. It be registered on its original number. File of this court be consigned to record room, copy of this order be placed on case file no. 4/14 of 12.04.2022 decided on 30.04.2022.</p> <p>Pronounced: 12.05.2022</p> <p style="text-align: right;"> (SHAUKAT AHMAD KHAN) District & Sessions Judge, Orakzai at Baber Mela</p>

