

(72)

Muhammad Javid vs Dosti Khan etc
Suit No. 81/1 of 2020

Order No.26
31.10.2022

Plaintiff absent. Ex-parte evidence of plaintiff not in attendance. On previous date, notice under Order XVII Rule 3 CPC was given to plaintiff to produce his ex-parte evidence failing which his right of evidence will be struck off.

Record shows that suit in hand was instituted on 04.12.2020. Defendants were summoned. They appeared before the court and contested the suit by filing written statement. Later on, defendants remained absent therefore, they were placed and proceeded against ex-parte vide order dated 19.07.2022. Plaintiff was directed to submit list of witnesses and produce his ex-parte evidence accordingly but plaintiff failed to appear before the court in person or to produce his ex-parte evidence despite repeated opportunities, resultantly, notice under Order XVII Rule 3 CPC was given in presence of counsel for plaintiff to produce ex-parte evidence but he failed to appear before the court in person and to produce his ex-parte evidence. Hence, right of plaintiff to produce evidence is struck off and suit of plaintiff is dismissed. No order as to cost.

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

Announced:
31.10.2022



Zahir Khan
Civil Judge-I, Kalaya
Orakzai.