

Order No.32
28.11.2022

Plaintiff absent. Counsel for plaintiff present. Representative of defendants present. Evidence of plaintiff not in attendance. On previous date, notice under Order XVII Rule 3 CPC was given to plaintiff to produce his evidence failing which his right of evidence will be struck off. Counsel for plaintiff stated that plaintiff is not in contact with him.

Record shows that suit in hand was instituted on 09.07.2021. Written statement was filed on 01.10.2021. Issues were framed on 19.07.2022 and plaintiff was directed to submit list of witnesses and produce evidence but till date, neither list of witnesses is submitted nor evidence produced by him. On 07.11.2022, last opportunity was given on request of counsel for plaintiff and case was fixed for 14.11.2022. On 14.11.2022, notice under Order XVII Rule 3 CPC was given and signature of counsel for plaintiff was obtained at the margin of the order sheet dated 14.11.2022. Specific warning was given that the said opportunity would be the last and failure to adduce evidence would lead to closure of the right to produce evidence but plaintiff failed to produce evidence today, resultantly, right of plaintiff to produce evidence is closed and suit of plaintiff is dismissed. No order as to cost.

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

Announced:
28.11.2022



Zahir Khan
Civil Judge-I, Kalaya
Orakzai.