

6

FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF SYED ABBAS BUKHARI, CIVIL JUDGE/JUDICIAL MAGISTRATE/CJ-II, KALAYA ORAKZAI

Case Title: _____ Vs _____



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
Order 10	20.03.2024	<p>Parties present.</p> <p>Vide this order I intend to dispose of instant application for setting aside ex-parte decree filed by judgment debtors, hereinafter referred as the petitioners.</p> <p>Arguments already heard and record perused.</p> <p>Now on perusal of the record and valuable assistances of both the learned counsels for the parties, this court is of the humble view that petitioners through instant application allege that previously an ex-parte decree dated: 05.10.2023 was passed against them in suit no. 54/1 of 2023 titled as "Kamila Jan Vs Noor Afzal", which needs to be set aside. They further allege that son of respondent visited their house and told them that he is going to withdraw the suit and thus cheated and misled the petitioners and managed to obtain ex-parte decree in his favour. Contrary to this the respondent allege that application in hand is time barred being filed after the expiry of period of limitation. Furthermore, the plea/ground agitated by petitioners for setting aside ex-parte decree is neither appealable to prudent mind nor is accepted by law. Moreover, petitioners were under obligation to have appeared before the court on each and every date of hearing. Hence prayed that application in hand may kindly be dismissed with costs. In given circumstances this court is of the humble view that previously the petitioners no.01 and no.02 have made their attendance before the court, in suit no. 54/1 of 2023, on 04.08.2023 and accordingly their thumb impression was affixed on the margin of order sheet no.04 dated: 04.08.2023. Perusal of order sheet no.04 dated: 04.08.2023 would further reveal that both the petitioners no.01 and</p>

20-03-2024
SYED ABBAS BUKHARI
Civil Judge/JM-II
Tehsil Courts Kalaya

7

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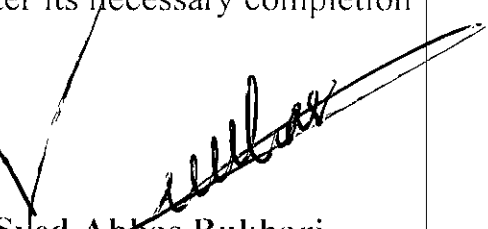
Continued...
Order 10

20.03.2024

no.02 stated at the bar before court that they will submit special power of attorney on behalf of present petitioners no.03 and no.04 on the next date of hearing and this fact has also been admitted by petitioners in Para no.02 of instant application. However, on the next date of hearing petitioners no.01 and no.02 failed to appear before the court and further they also failed to submit special power of attorney on behalf of petitioners no.3 and no.04, hence were placed and proceeded as ex-parte and accordingly ex-parte decree dated: 05.10.2023 was passed in favour of respondent. Now petitioners seek setting aside of said ex-parte decree on the ground that they were misled by son of respondent due to which they subsequently failed to appear before the court. In given circumstances, this court is of the view that the ground alleged by petitioners for setting aside ex-parte decree dated: 05.10.2023 is not genuine, valid or reasonable one. Furthermore, once the petitioners have made their attendance before the court, it was their duty to have appeared on the subsequent date also.

In light of above discussion, instant application for setting aside ex-parte decree dated: 05.10.2023 is hereby dismissed being devoid of merits. No order as to costs. File be consigned to the record room after its necessary completion and compilation.

Announced
20.03.2024


Syed Abbas Bukhari,
Civil Judge-II,
Tehsil Court Kalaya, Orakzai