


5

**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 08	29.03.2024  29.03.2024 <b>SYED ABAAS BUKHARI</b> Civil Judge/JM-II Tehsil Courts Kalaya	<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: 27.03.2023 was passed against them in suit no. 06/1 of 2021 titled as "Rameen Gul Vs Saadi Khan", which is liable to be set aside. They further allege that the impugned decree was passed without providing proper opportunity to them and thus is result of haste. Contrary to this the respondent allege that petitioners were in knowledge of the institution of suit and furthermore, petitioner no.01 also personally appeared before the court. He further allege that no valid reason or sufficient ground, for setting aside impugned decree, has been mentioned by petitioners in the instant application.</p> <p>In given circumstances this court is of the humble view that perusal of record of suit no.06/1 of 2021 would reveal that petitioner no.01 previously appeared before this court on 31.07.2021 and accordingly his thumb impression was affixed on the margin of order sheet no.03 dated: 31.07.2021. However, subsequently petitioner no.01 failed to appear before the court and thus was placed and proceeded as ex-parte vide order no.15 dated: 19.11.2022 while petitioner no.02 was settled abroad, who was served through publication and was subsequently proceeded as ex-parte due to his non-appearance. It is also worth mentioning</p>

6

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<p>Continued.... Order 08</p>	<p>29.03.2024</p>	<p>here that petitioner no.02 has neither made his attendance before this court since the filing of instant application for setting aside ex-parte decree nor any special power of attorney on his behalf is available on the file. Moreover, the wakalatnama submitted by petitioner no.01 also does not bear signature/thumb impression of petitioner no.02, which lead this court to presume that neither petitioner no.02 has filed the instant application nor he has authorized anyone to file the same on his behalf. It is also pertinent to mention here that instant application for setting aside ex-parte decree has been filed after about seven months of passing of impugned ex-parte decree dated: 27.03.2023 and no valid ground for filing the same after expiry of limitation period has been raised in the application for condonation of delay.</p> <p>In light of above discussion, instant application for setting aside ex-parte decree dated: 27.03.2023 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.</p> <p><b><u>Announced</u></b> <b>29.03.2024</b></p> <p><b><u>Syed Abbas Bukhari,</u></b> Civil Judge-II, Tehsil Court Kalaya, Orakzai</p>
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