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**IN THE COURT OF BAKHT ZADA, SENIOR CIVIL JUDGE, ORAKZAI**

Petition No.....30/06 OF 2024.

Date of institution.....02.09.2024.

Date of decision.....13.09.2024.

*Title: Chairman Kohat Board etc vs Akmal Hayat*

**Order No. 03**

13.09.2024

Petitioner through Shaheen Muhammad Advocate/legal advisor of BISE, Kohat present. Respondent through Sanaullah Khan Advocate present. Arguments on the application for setting aside ex-parte proceedings and decree dated 26.07.2024. Reply submitted by the counsel for the respondent/DH.

Brief facts necessary for the application are that the plaintiff/respondent filed suit for declaration, permanent and mendatory injunctions on 03.05.2024, for correction of his date of birth against the defendants/petitioners. In response to the summons, the defendants appeared through legal advisor on 08.05.2024. The defendants submitted their written statement on 22.05.2024 and issues in the case were framed, keeping in view the divergent pleadings of the parties and thereafter the plaintiff was asked to produce his evidence, but since 30.05.2024 neither the defendants nor their legal advisor Shaheen Muhammad Advocate attended the court and thus after completion of evidence of the plaintiff, ex-parte decree in favour of the plaintiff/respondent was issued 26.07.2024.

*Shah*  
**BAKHT ZADA**  
Senior Civil Judge/JM  
Orakzai at Baber Mela

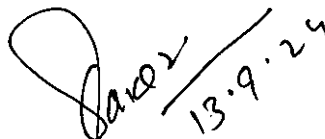
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Now, on 02.09.2024 the petitioner/respondents have submitted the instant application through legal advisor Shaheen Muhammad Advocate on the ground that his agreement with the defendants/petitioners was expired and he was unable to attend the court on behalf of the defendants/petitioners and in the meanwhile ex-parte decree was issued by the court which is not based on merits and that the petitioners/defendants may be given opportunity of producing evidence by accepting the instant application and setting aside the ex-parte decree dated 26.07.2024.

Arguments of the learned counsel for the parties were heard which shows that the defendants/petitioners through the present legal advisor Shaheen Muhammad Advocate have submitted written statement in the main case on 16.05.2024 and they were well aware about the court proceedings. The ground taken by the petitioner regarding expiry of his agreement holds no ground because even representative of the respondents have not attended the court despite of the fact that the defendants/petitioners were in the knowledge of the court proceedings, therefore the application being devoid of merits is hereby dismissed. No order as to cost.

Case file be consigned to the record room after its necessary completion and compilation while record be returned back to the quarter concerned.

**Announced**  
13.09.2024

  
**(BAKHT ZADA)**  
Senior Civil Judge,  
Orakzai at Baber Mela