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**COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA**

**Case Title:** Chairman BISE Kohat VS Rizwan Ullah

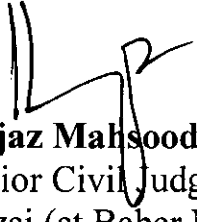
Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 05	23.10.2024	<p>Petitioner through legal advisor present. Respondent along with counsel present.</p> <p>This order decides instant application filed for setting aside an ex-parte decree passed against the petitioner. Written reply by the respondent/deGREE holder has already been filed, and arguments have been heard.</p> <p>Brief Account:</p> <p>A suit for correction of date of birth was decreed exparte on 24/07/24 for the respondent against the present petitioner i.e. Chairman Kohat Board. The petitioner was proceeded against as ex-parte when despite knowledge and attendance in the suit, and having filed a written statement, he failed to appear on date of hearing.</p> <p>Timeline of the matter runs as follows: suit is decreed on 24/07/24; present petitioner applies for copies of the judgment on 31/07/24 and duly receives it on 06/08/24. Thereafter, he applies for setting aside the decree on 02/09/24.</p> <p>Reasons/Merits:</p> <p>Firstly, limitation prescribes a period of one month for filling an application to set aside an exparte decree when the proceedings is in the knowledge of the party. In the instant matter, petitioner filed instant application after 32/33 days, clearly beyond the period.</p> <p>The explanation provided for the delay was that contract was being negotiated for extension between the legal representative and the defendant.</p> <p>This justification is barely acceptable, as the court is not concerned with extra judicial engagements or affairs of the defendants. Law of limitation only accepts</p>

Senior Civil Judge  
Orakzai at Baber Mela  
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<p>Order No. 05 continued</p>	<p>23.10.2024</p>	<p>circumstances as valid excuse which are beyond the natural or legal power of the party.</p> <p>Secondly, as hinted above, an ex parte decree is set aside when a party is prevented from participation by uncontrollable circumstances such as an Act of God, or legal or practical duress. Presently, the petitioner disappeared without any plausible reason from a running proceeding.</p> <p>Finally, the decree, technically considered is not an ex-parte one as the learned predecessor disposed is through issue wise findings. Clearly, written statement had been filed and issues were distilled from the mutually opposed pleadings.</p> <p><b><u>Rulings:</u></b></p> <p>In view of the foregone, the court was not supplied with sufficient reasons to indulge the plea for setting aside the decree. Application is dismissed. Costs shall follow the event.</p> <p>File be consigned to the record room after its necessary completion and compilation.</p> <p><b><u>Announced</u></b> 23.10.2024</p> <p style="text-align: right;"> <b>Ijaz Mahsood</b> Senior Civil Judge, Orakzai (at Baber Mela)</p>
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