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Case No. 07/13  
Case title: Chairman Kohat Board vs Rizwan Ullah

*In the name of almighty Allah who has unlimited  
jurisdiction over and beyond the universe.*

**IN THE COURT OF BAKHT ZADA**  
**ADDITIONAL DISTRICT JUDGE-I, ORAKZAI**  
**AT BABER MELA**

CIVIL APPEAL NO. : 07/13 OF 2024  
DATE OF INSTITUTION : 20.11.2024  
DATE OF DECISION : 18.12.2024

CHAIRMAN KOHAT BOARD  
.....(APPELLANT)

-VERSUS-

RIZWAN ULLAH S/O ABDUL WALI KHAN, R/O QAUM ALI KHEL, TAPPA  
SHAWAS KHEL, TEHSIL UPPER, DISTRICT ORAKZAI  
..... (RESPONDENTS)

JUDGEMENT  
18.12.2024

Impugned herein is the order and judgement dated 23.10.2024 of the learned Senior Civil Judge, Orakzai vide which he has dismissed application of the appellants for setting aside ex-parte decree and judgement dated 24.07.2024.

(2). According to the appellant/defendant No. 1, the respondent/plaintiff filed suit for declaration, permanent and mandatory injunctions which was decreed ex-parte against the appellant. The appellant alleged that their agreement expired with the learned counsel due to which the learned counsel did not appear before the court and the learned trial court decided the matter in haste manner. That the impugned judgement and decree is liable to be set aside and the matter may be decided on merits and hence, the instant appeal.

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(3). The appellant/defendant were summoned, who appeared through counsel. Today, counsel for the appellant has sent written arguments, while counsel for the respondent/decreed holder present along with respondent and his arguments heard.

(4). The perusal of available record shows that the respondent/plaintiff filed a suit for declaration, permanent and mandatory injunctions for correction of his date of birth which was decreed ex-parte on 24.07.2024 in favour of the present respondent against appellant/defendant i.e., Chairman Kohat Board. It is on record that present appellant/defendant has attended the court through representative in the main suit and has submitted authority letter vide order sheet No. 05 dated 05.07.2024, and on the subsequent date vide order sheet No. 06 dated 19.07.2024, defendant No. 1 remained absent and was placed and proceeded ex-parte. The limitation provided for setting aside ex-parte decree under the law is 30 days in case the party is in knowledge of the proceedings, which in the present case started running against the present appellant after 06.08.2024, when the copies were received to him, but he applied for setting aside ex-parte decree on 02.09.2024. In the instant case, the appellant/defendant No. 1 has filed the application clearly beyond the prescribed limitation period, the justification for which is mentioned in the instant appeal that contract between the appellant/defendant No. 1 and its counsel was expired, but neither the respondent/plaintiff, nor this court

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has got any concerned with the extra-judicial engagements of the appellant/defendant No. 1. At any stretch of imagination, the said excuse or reason cannot be accepted particularly when the party is in knowledge of the said proceedings and his attendance is already marked in the order sheet. The reasons and grounds mentioned by the learned Senior Civil Judge, Orakzai in his order dated 23.10.2024 are in accordance with law and needs no interference from this court. The impugned order dated 23.10.2024 being well reasoned is hereby maintained and the appeal in hand being devoid of merits is hereby dismissed. Requisitioned record be sent back to the quarter concerned while file of this court be consigned to record room after its necessary completion and compilation.

**Announced**  
18.12.2024

*Bakht Zada*  
18.12.24

**(Bakht Zada)**

Addl: District Judge-I, Orakzai  
at Baber Mela

**CERTIFICATE**

Certified that this judgment consists of three (03) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 18.12.2024

*Bakht Zada*  
18.12.24

**(Bakht Zada)**

Addl: District Judge-I, Orakzai  
at Baber Mela