

IN THE COURT OF BAKHT ZADA,
ADDL: DISTRICT JUDGE-I, ORAKZAI (AT BABER MELA)

SETTING ASIDE EX-PARTE DECREE NO : 01/06 OF 2024
DATE OF ORIGINAL INSTITUTION : 22.10.2024
DATE OF TRANSFER IN : 30.11.2024
DATE OF DECISION : 06.01.2025

1. MOTASIM KHAN S/O NASEEM KHA R/O QUOM ZARGHUM
KHEL, DARA ADAM KHEL, KOHAT AT PRESENT
LEASEHOLDER DANA KHOLA DISTRICT ORAKZAI

.....(Appellant)

-VERSUS-

1. NOOR SHER KHAN S/O KHAN BADSHAH R/O TANDI
MUHAMMAD KHEL, ZARGHUM, DARA ADAM KHEL,
KOHAT.

..... (RESPONDENT)

JUDGEMENT
06.01.2025

Petitioner/Judgment debtor has submitted the instant application for setting aside an ex-parte judgment and decree dated 01.04.2024 and to stop proceedings in the execution petition dated 06.05.2024.

- (2). According to petitioner/ Judgement debtor an ex-parte decree has been passed against him on 01.04.2024 by concealing real facts by the respondent/plaintiff from the court and that no summon or notice etc has been received to the petitioner/judgment debtor. That as soon as the petitioner/judgment debtor got the knowledge about case/proceedings, he immediately appeared before the court on 15.10.2024 and submitted the instant application for setting aside decree on 22.10.2024. He prayed for setting aside ex-parte decree and to stop proceedings in the execution petition.

- (3). The respondent/decree holder was present in the court in connection with execution petitioner, therefore, he was served on the

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same day of filing the instant petition in the court. Written reply to the application submitted on 04.12.2024 and argument heard.

(4). At the very outset of the arguments, learned counsel for the decree holder/respondent stated at the bar that he has got no objection on acceptance of the application and setting aside the ex-parte decree dated 01.04.2024 subject to imposition of heavy cost against the petitioner/judgment debtor. To this effect, learned counsel for the respondent/decree holder wrote not objection at the front of the applications for setting aside ex-parte decree and filing of execution petition dated 06.05.2024.

(5). In view of the no objection of the counsel for the decree holder/respondent, I hereby accept the instant applications for setting aside ex-parte decree dated 01.04.2024 and to stop execution proceedings with cost of Rs. 10,000/- which is to be paid to the plaintiff/decree holder/respondent by the defendant/judgment debtor/petitioner. Copy of this order be placed on the original suit file for further proceedings, in accordance with law, while the instant case file/application for setting aside ex-parte decree, application for filing of the execution petition are accepted accordingly and consequently the execution petition is also filed without further proceedings and the same be consigned to record room.

Announced:

06.01.2024

Bakht Zada
6.1.24

(BAKHT ZADA)

Addl: District Judge-I, Orakzai
at Baber Mela

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CERTIFICATE

Certified that this judgment consists of three (03) pages.

Each page has been read, corrected wherever necessary and signed by
me.

Dated: 06.01.2025

Bakht Zada
6.1.24

(BAKHT ZADA)

Addl: District Judge-I, Orakzai
at Baber Mela