

5

COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA**Case Title:** Asif Shah Vs Mati Ullah


Serial No of order or proceeding s	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. 06	08.03.2025	<p>This order disposes an application filed for restoration of a suit titled Mr. Asif Shah Vs Mr. Mati Ullah that was dismissed for default on attendance of the plaintiff. Plaintiff, Mr. Asif Shah, requests for restoration of the suit while defendant, Mr. Mati Ullah, resists it.</p> <p><u>Brief Account:</u></p> <p>Petitioner's suit was dismissed for default on attendance on 23/06/24. The process to acquire copies commenced on 19/09/24, and the copies were delivered to him on 24/09/24. Thereafter, petitioner filed instant petition on 16/01/25. He has also filed an application for condonation of delay on 28/02/25.</p> <p>Arguments heard and record perused.</p> <p><u>Reasoning:</u></p> <p>Limitation provides a period of one month for filing of an application for restoration of a suit that was dismissed for default on attendance. Clearly, the plaintiff/petitioner had exceeded the limit by months when he filed this application.</p> <p>However, he has also prayed for condonation of delay pleading that the plaintiff being an inhabitant of a newly merged district was not fully aware of legal</p>

Senior Civil Judge
Orakzai at Baber Mela
C B MAR 2025

8

COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

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Order No. 06 continued	08.03.2025	<p>technicalities of limitation. Counsel requests for an opportunity for his client to legally contest his claim and defend his rights.</p> <p>The court can neither overlook the delay in filing of the petition nor be forgetful of the singular dynamics of the district where the residents were recently introduced to civil laws.</p> <p><u>Ruling:</u></p> <p>In view of the foregoing, application is accepted with a cost of Rs. 15000/- to be paid by the plaintiffs. Suit titled in original as “Asif Shah Vs Mati Ullah” is hereby restored. So, the Moharrir of the court is directed to restore the aforesaid suit in its original neem with further directions to consign the instant file after its completion and compilation while place the copy of the same on the original suit file.</p> <p>File be consigned to the record after its necessary completion and compilation.</p> <p><u>Announced</u> 08.03.2025</p> <p> Ijaz Mahsood Senior Civil Judge, Orakzai (at Baber Mela)</p>
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