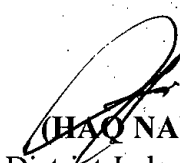
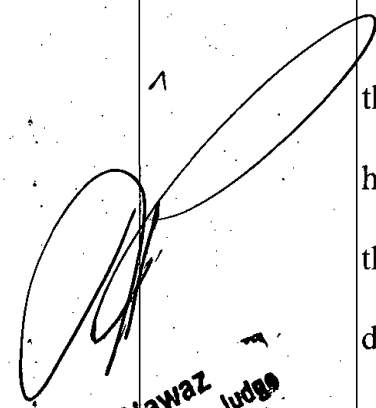
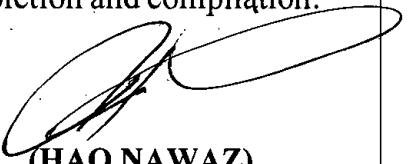


Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
Order No.13	09.07.2025	<p>Appellant No. 2 Gul Jan Hussain in person and on behalf of remaining appellants present. Respondents No. 2 and 3 through clerk of counsel present. Respondent No. 1 is not in attendance. Notice be repeated against respondent No. 1. File be put up for attendance of respondent No. 1 on 16.07.2025.</p> <p style="text-align: right;">  (HAQ NAWAZ) District Judge, Orakzai at Baber Mela </p>
Order No.14	16.07.2025	<p>Counsel for the parties present. arguments heard and record perused.</p> <p>This appeal was preferred against the order dated 24.01.2025 of Senior Civil Judge, Orakzai, passed in Misc. Application No. 43/6 of 2024 whereby application for setting aside ex-parte judgment and decree dated 22.03.2023 passed in Civil Suit No. 37/1 of 2022 was accepted.</p> <p>The learned counsel for the appellants submitted that the application for setting aside the ex-parte judgment was hopelessly time-barred. On the other hand, learned counsel for the respondent submitted that the respondent was abroad during the proceedings of civil suit and he was proceeded against ex-parte on the basis of publication made in the local newspaper.</p> <p>The perusal of record shows that before issuance of publication against the respondent, it was reported to the</p>


Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

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IN THE COURT OF DISTRICT JUDGE, ORAKZAI AT BABER MELA

Case Title: S. Arsal Abbas VS S. Shah Jehan

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
Contin. Order No.14		<p>Court that he was abroad. The learned counsel for the respondent produced copy of the Passport of the respondent which shows that he returned to the country in June, 2024, but the application for setting aside ex-parte judgment and decree was instituted on 10.10.2024 with no date of knowledge of the decree. According to Article 164 of the Limitation Act, 1908, the application by a defendant, for an order to set aside a decree passed ex-parte, shall be preferred within 30 days from the date of decree or, where the summons was not duly served, when the applicant has knowledge of the decree. As the application of the respondent does not disclose the date of his knowledge and it was moved after 04 months of his arrival to Pakistan; therefore, the same was time-barred. As the primary objective of the judicial system is to resolve the disputes without undue emphasis on legal technicalities. Reliance is placed on PLD 2009 L 1. Therefore, the appeal is dismissed and the impugned order is upheld subject to payment of cost of Rs. 10,000/- by the respondent to the appellants. Since, the matter pertains to the year 2022; therefore, the trial Court is directed to conclude the trial within a period of 06 months positively. Copy of this Order be sent to the trial for information and compliance. File of this Court be consigned to record room after its necessary completion and compilation.</p> <p><u>Announced:</u> 16.07.2025</p> <p style="text-align: right;">  (HAQ NAWAZ) District Judge, Orakzai at Baber Mela </p>