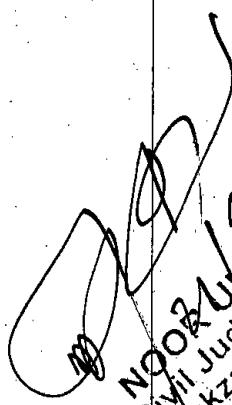
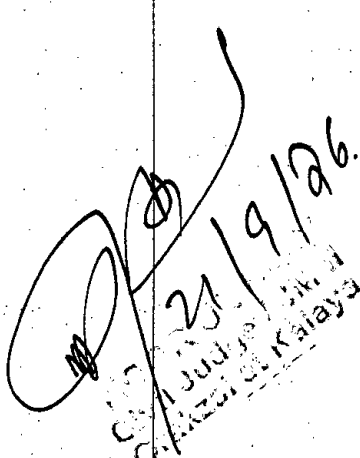


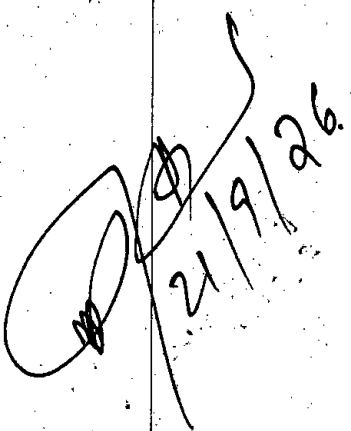
FORM "A"
FORM OF ORDER SHEET

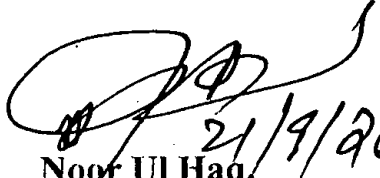
IN THE COURT OF NOOR UL HAQ, CIVIL JUDGE/JUDICIAL MAGISTRATE/CJ-II, KALAYA ORAKZAI

Serial No. of Order of Proceedings	Date of Order or 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	21.09.2026	Petitioner through counsel present while respondent in person alongwith counsel present. Vide this order, the Court intend to dispose of instant application filed under section 12(2) C.P.C. by petitioner. Arguments already heard and record perused. Perusal of the record and valuable assistance of the learned counsels for the parties, this court is of the view that petitioner through instant 12(2) C.P.C. petition allege that impugned ex-parte decree dated: 01.12.2022 was passed in favour of respondent and against the petitioner. He further stated that respondent obtained the ex parte decree through fraud, concealment of material facts and misleading the Court. He further stated that initially the case was instituted in the Court of learned Senior Civil Judge, Orakzai and later on, transferred to the Court of learned Civil Judge-I, Kalaya. He further stated that he had not received any notices/summons from the Court. He further alleged that respondent prayed for recovery of Rs. 450,000/-, whereby the Hon'ble Court passed the decree for sum of Rs.


NOOR UL HAQ
Civil Judge / JM-II
Orakzai at Kalaya

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		920,000/-. Furthermore, stated that the agreement dated 15.02.2024 has been scribed in District Kohat, so the Hon'ble Court had no jurisdiction to pass the judgment in favor of respondent. The petitioner came to know about the fraud and misrepresentation, whereafter, he immediately approached to this Hon'ble Court. Lastly, requested for acceptance of the above petition. Contrary to this respondent stated, that respondent obtained decree against the petitioner on 01.12.2022. That respondent filed a recovery suit before the Court against petitioner on 02.10.2020. That petitioner has many times appeared before the Court and sought time for submission of written statement. However, the petitioner was unable to attend the Court and subsequently, placed and proceeded ex-parte. After obtaining the ex-parte decree the respondent filed an execution petition against the petitioner, however, despite proper notices/warrants, petitioner was unable to appear before the Court for a single date of hearing. That upon the same respondent submitted an application for blocking the CNIC of the petitioner, the application was allowed and the Court blocked the CNIC of the petitioner. That previously the learned trial court issued warrant of arrest of the

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		petitioner (JD) through learned Senior Civil Judge, Kohat and learned DPO Kohat, but the petitioner repeated the same conduct. Lastly, prayed to dismiss the instant 12(2) petition. From perusal of the record and arguments of learned counsels for the parties, the Court observed that petitioner appeared before the Court of learned Senior Civil Judge, Orakzai on many dates of hearing and thus had full knowledge of the pendency and proceedings of the case. His repeated appearance before the learned trial Court clearly demonstrates that he was aware of the litigation and had sufficient opportunity to contest the case in accordance with law. The petitioner has also failed to point out any specific fraud, misrepresentation or want of due process which could bring the impugned judgment within the scope of Section 12(2) CPC. The allegation of fraud, without establishing the particular act of fraud and its material effect upon the judgment, is not sufficient to invoke the extraordinary remedy provided under Section 12(2) CPC. It is also settled that Section 12(2) CPC is not intended to provide a substitute for an appeal or to enable a litigant

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		to reopen proceedings, because he remained failed to avail an opportunity available to him before the trial Court. It is also worth mentioning here that the conduct of the petitioner (JD) is also worth consideration; despite filing the instant petition through counsel, he has not appeared before the Court on any date of hearing. In light of above discussion, as the repeated appearances of the petitioner before the learned Senior Civil Judge, Orakzai, negate the plea that he had no knowledge of the proceedings or was deprived of an opportunity of being heard. No convincing material has been brought on record to establish fraud, misrepresentation or want of due process of law. Consequently, the petition under Section 12(2) CPC, is dismissed, being devoid of merit. The impugned judgment and decree shall remain intact. Cost shall follow the event. Instant file be consigned to District Record Room, Orakzai after its proper completion and compilation. <u>Announced:</u> 21.09.2026  <u>Noor Ul Haq,</u> Civil Judge/JM-II, Tehsil Courts, Kalaya, Orakzai