

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE AMIN-UD-DIN KHAN
MRS. JUSTICE AYESHA A. MALIK
MR. JUSTICE SHAHID WAHEED

CIVIL MISCELLANEOUS APPLICATION NO.1343-L OF 2020 IN
CIVIL APPEAL NO. 306-L OF 2012.

[Application for restoration of Civil Appeal No. 306-L of 2012.]

Mrs. Fozia Nasir etc.

...Appellants

Versus

Habbatul Mannan Khalid Omar etc.

...Respondent(s)

For the appellants : Mian Zafar Iqbal Kalanauri, ASC.

For the Respondents: : Mr. Khalid Mehmood Khan, ASC
for respondent Nos. 1-4.
Mr. Muhammad Ejaz Jamal, ASC
for respondent No. 5.

Date of Hearing : 2.4.2024

ORDER

AMIN-UD-DIN KHAN, J.- Through this application filed under Order XV Rule 5 read with Order XXXIII Rule 6 of the Supreme Court Rules, 1980 prayer for restoration of the appeal has been made which was dismissed for non-prosecution on 30.06.2020.

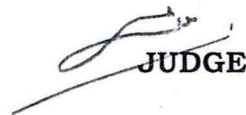
2. We have heard the learned counsel for the parties at some length. It is pleaded that neither the learned ASC nor the appellants were informed by the learned AOR with regard to fixation of appeal for 30.06.2020. It is further pleaded that the case was filed through Ch. Muhammad Anwar Khan, AOR but later on he authorized Syed Rafaqat Hussain Shah, AOR who did not inform/intimate learned ASC with regard to fixation of the case. Learned counsel stated that the appellants or the learned ASC who is appearing on behalf of the appellants has never asked the AOR to

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appoint any other AOR and learned counsel stated that even the Power of Attorney in favour of the AOR does not authorize the AOR to further appoint/engage any other AOR.

3. We have gone through the record. The Power of Attorney in favour of Ch. Muhammad Anwar Khan, AOR does not authorize him to further engage or appoint any other AOR. The applicants have appended the regular cause list of fixation of appeal for 30.6.2020 which does not contain the name of Ch. Muhammad Anwar Khan, AOR. When the AOR was having no authority to further engage a counsel and this office has not listed the case for hearing with the name of Ch. Muhammad Anwar Khan, AOR, therefore, the contention of the applicants that they were not informed nor the fixation of case was in their knowledge seems to be correct. Resultantly, this CMA is allowed and Civil Appeal No. 306-L of 2012 is restored to its original number.

Lahore, the
2nd April, 2024
'NOT APPROVED FOR REPORTING'
(Mazhar Javed Bhatti)


JUDGE


JUDGE


JUDGE