

ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

C.M. No. 217/2024
In
Transfer Application No. 01/ 2024
Mujib-Ur-Rehman Kiani
Versus
Rafaqat Hussain Raja, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(02)	21.02.2024	Mr. Wajid Ali, Advocate alongwith applicant.

Through this C.M., the applicant seeks restoration of Transfer Application No.1/2024, which was dismissed on 15.02.2024, due to non-prosecution.

2. Learned counsel for applicant has pointed out that no SMS qua fixation of the case was received due to which he could not put appearance, resultantly, the case has been dismissed for non-prosecution.

3. Reasons stated in application are supported by an affidavit filed by learned counsel for applicant, therefore, instant application is Allowed, hence, Transfer Application No. 01/2024 stands Restored to its original number. The main case is taken up today.

Main Case.

Through this transfer application, the applicant/Mujib-Ur-Rehman Kiani has prayed for transfer of Execution Application to any Court of Civil Judge East Division, Islamabad on the ground that the original decree in the suit was passed by the Civil Court East and in appeal the Hon’ble Division Bench of this

Court vide judgment dated 03.12.2019, passed in R.F.A. No. 74/2014 had set-aside the judgment and decree and imposed costs of Rs.1,00,000/- and Rs.5,00,000/- respectively on the applicant, however, Execution Application was referred to the West Division for decision.

2. Learned counsel for applicant as well as the applicant have been confronted as to whether they are interested to satisfy the decree with reference to paragraph 32 rendered in the judgment dated 13.02.2019 in R.F.A. No. 74/2014 to the extent of costs, whereby, the applicant before the Court has conceded this aspect that he has already deposited Rs.1,03,590/- in the Court and the respondent has applied for withdrawal of the said amount.

3. Keeping in view the changed circumstances, the applicant is directed to deposit Rs.5,00,000/- as referred in the judgment of this Court before the learned Executing Court and submit proof of payment to this Court on the next date of hearing, where-after, question of transfer of execution will be settled.

4. Adjourned to 01.03.2024.

(MOHSIN AKHTAR KAYANI)
JUDGE