

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

C.R No.256/2019.

Dr. Nakhshab Chourhry

Versus

The Micronutrient Initiative etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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28.06.2019	Raja Mudassar Iqbal Zafar, Advocate for the petitioner.
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Through instant C.R, the petitioner has assailed the order dated 11.05.2019, passed by learned Civil Judge 1st Class (West) Islamabad, whereby right of the petitioner to file written statement has been closed.

2. Learned counsel for the petitioner inter-alia contends that Micronutrient Initiative/respondent No.1 filed a suit for recovery of advance rent alongwith damages against the petitioner and respondents No.2 to 5, in which the petitioner put his appearance and direction was issued for filing of written statement but due to other miscellaneous proceedings initiated in terms of application under Order VI Rule 17 CPC as well as under Order 1 Rule 10 CPC, the direction for submission of written statement could not be complied with; that proper warning and last opportunity has not been provided to the petitioner and impugned order has been passed.

3. I have heard learned counsel for the petitioner and perused the record.

4. From perusal of the record, it reveals that respondent No.1 filed a suit for recovery of advance rent alongwith damages against the petitioner and respondents No.2 to 5 on 10.01.2018, in which the petitioner put his appearance before the Court on different dates of hearing and learned Trial Court directed the

petitioner to file written statement on 09.07.2018, 12.09.2018, 13.10.2018 and 27.10.2018 with حتمى قطعى آخرى موقع subject to payment of cost of Rs.1000/- but written statement was not filed by the petitioner, even further opportunity was granted on 14.11.2018 with again warning of حتمى قطعى آخرى موقع and thereafter number of opportunities were granted on 11.12.2018 and 02.04.2019, when further cost of Rs.500 was imposed with clear warning *“if defendant No.1 fails to file written statement on the next date of hearing, his right will be struck off accordingly. Now to come up on 09.04.2019.”*

5. The above referred direction was not complied with and the learned Trial Court again issued حتمى قطعى آخرى موقع by referring five opportunities in the order dated 25.04.2019, where-after the learned Trial Court was left with no option but to pass the impugned order. This entire background reveals lethargic and contemptuous conduct of the petitioner, who intends to delay the proceedings, which is not permissible under the law. Even otherwise, Order VIII CPC provides specific timeline for submission of written statement despite the fact that learned Trial Court has granted more than 10 opportunities to the petitioner to file his written statement. The instant C.R does not bear any merits, therefore, the same is dismissed in limine.

(MOHSIN AKHTAR KAYANI)
JUDGE

R.Anjam