

Form No: HCJD/C-121  
**ORDER SHEET.**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEARTMENT.**

**Writ Petition No.1531 of 2021**

Maj. (R) Muhammad Amin Minhas.

VS

Learned Civil Judge Islamabad (West) and 05 others.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
01.	27.04.2021	Raja Aamir Azad, Advocate for the petitioner.

The instant writ petition has been filed against order dated 18.03.2021, passed by learned Civil Judge, 1<sup>st</sup> Class-West, Islamabad, whereby application under Order IX Rule 9 read with Section 151 C.P.C. was accepted on cost of Rs.10,000/-, order dated 14.12.2004 was set-aside and suit was restored.

2. Learned counsel for the petitioner, *inter-alia*, contends that the limitation for filing of application for restoration of suit dismissed for non-prosecution falls within the ambit of Article 163 of the Limitation Act, 1908, which provides thirty (30) days limitation, whereas the instant application was filed with a delay of forty five (45) days, so the same was liable to be dismissed. Learned counsel further contends that the impugned order is erroneous and is liable to be set-aside as the same is against law and facts of the case.

3. Points raised need consideration.  
Let pre-admission notice be issued to the respondents.

4. To be heard alongwith Writ Petition No.1530 of 2021.

**C.M. No.01 of 2021.**

Exemption sought for is allowed  
subject to all just and legal exceptions.

**C.M. No.02 of 2021.**

Notice.

(TARIQ MEHMOOD JAHANGIRI)  
JUDGE

M. Zaheer Janjua.

FOR READ ONLY (UNCERTIFIED COPY)