

ISLAMABAD HIGH COURT, ISLAMABAD,
JUDICIAL DEPARTMENT.

Pakistan Broadcasting Corporation (PBC) Vs M/s The Communicator & another.

Date of Decision: 08.10.2019.

4. Perusal of the record reveals that the petitioner filed suit for recovery of Rs.5,28,843/- against the respondents. The same was contested by the respondent by filing their written statement. Learned Trial Court after framing of issues on 17.12.2015 fixed the suit for recording of evidence of the petitioner on 24.04.2006, 28.10.2006, 04.04.2007, 05.09.2007, 15.12.2007, 29.04.2008, 16.09.2008, 11.12.2008, 14.03.2009, 16.06.2009, 29.09.2009, 03.12.2009, 20.02.2010 and finally on 07.04.2010, the suit was dismissed for want of evidence in terms of order XVII Rule 3 CPC.

C.R No.185/2013.

5. The above referred position established on the record very much reflects that the petitioner was least interested to pursue the suit filed by him. Even the petitioner has failed to bring on record any valid reason as to why he failed to produce his evidence despite availing 14 opportunities starting from 24.04.2006 to 07.04.2010 approximately in 04 years time. Such conduct of the petitioner seems to be willful, negligent and contemptuous, which cannot be tolerable and condoned in any circumstances. Learned Trial Court was left with no option but to invoke provisions of order XVII Rule 3 CPC, which have rightly been invoked. The petitioner has failed to point out any illegality in the procedure or proceedings of the Courts below.

6. In view of above discussion, the instant civil revision petition is devoid of merits, therefore, the same is hereby **dismissed.**

(MOHSIN AKHTAR KAYANI)
JUDGE

R.Anjam