

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

R.S.A. No.01/2020
Syed Wajahat, etc
Vs
CDA, 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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09.03.2020 Mr. Salman Yousaf Khan, Advocate.

On the previous date i.e. 14.02.2020 following order was passed:-

“While dictating the order, it transpired that appeal in terms of Section 100 has been omitted under Section 11 of the Code of Civil Procedure (Amendment) Act, 2019, therefore, office is directed to issue notice to the learned counsel for the appellant to assist the Court on the point.”

In response, learned counsel submits that the instant Regular Second Appeal was filed on 04.01.2020 i.e. before promulgation of the Code of Civil Procedure (Amendment) Act, 2020 therefore, does not fall under section 11 of the said Act whereby appeal in terms of section 100 CPC had been omitted.

The stance of the learned counsel is misconceived as prior to promulgation of the CPC (Amendment) Act, 2020 referred to above, the Code of Civil Procedure (Amendment) Ordinance 2019 had been in force wherein the barring clause i.e. Section 11 had been the same as provided in the Act, 2020.

In view of above, the instant regular second appeal is not maintainable in terms of Section 11 of the Act, 2020. It is therefore dismissed on this score.

(FIAZ AHMAD ANJUM JANDRAN)
JUDGE