

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

C.R.No.90/2019
Lt. Col.(R) Hashmat Ali Khan
Versus
Shahbaz Ahmed

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	25.06.2019	Sardar Tariq Hussain, Advocate for the petitioner, Mr. Muhammad Safdar Ali, Advocate for the respondent.

Through the instant revision petition, the petitioner, Lt. Col. (R) Hashmat Ali Khan, impugns the order dated 20.02.2019, passed by the Court of the learned Civil Judge, Islamabad, whereby the petitioner's right to file the written statement was closed.

2. Learned counsel for the petitioner submitted that the petitioner's written statement is ready to be filed before the learned Civil Court; that the written statement had not been timely prepared due to the strike in the lower Courts; and that it shall be in the interest of justice, if this Court gives a last and final opportunity to the petitioner to file the written statement. Learned counsel for the petitioner prayed for the civil revision petition to be allowed.

3. On the other hand, learned counsel for the respondent submitted that this Court may set-aside the impugned order dated 20.02.2019 subject to the payment of costs.

4. Heard.

5. The order sheet revealed that on 17.11.2018 and 30.11.2018, the matter had been adjourned by the learned Civil Court for the filing of the written statement. Learned

counsel for petitioner did not come-up with any plausible explanation for not filing the written statement on 20.02.2019. However, due to the fair stance taken by the learned counsel for the respondent, the instant revision petition is allowed and the impugned order dated 20.02.2019, is set-aside subject to the payment of costs to the tune of Rs.10,000/- payable to the respondent on the next date of hearing before the learned Civil Court. The petitioner shall file a written statement after paying costs on the next date fixed before the learned Civil Court. There shall be no order as to costs.

(MIANGUL HASSAN AURANGZEB)
JUDGE

Sultan*