

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

**W.P No. 2948 of 2020**

**Alif plastic Industry  
VS  
Brig. Retd. Khalid Hameed, etc**

<b>S. No. of order/ proceedings</b>	<b>Date of order/ proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
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<b>21.03.2022.</b>	Rana M. Arshad Khan, Advocate for Petitioner. Mr. Muhammad Zaheer Akhtar, Advocate for Respondents.
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Learned counsel for the Petitioner submits that special Power of Attorney was given by Respondent No. 1 in favour of one Mr. Ahmed Waqar Qamar during pendency of the suit before learned Consumer Court, Rawalpindi, which was withdrawn and a fresh suit was filed before the learned Consumer Court, Islamabad by one Mr. Ahmed Waqas Qamar purportedly in reliance of the said special Power of Attorney. In view thereof an application under Order VII Rule 11 CPC was filed with the objection that fresh suit could not be filed on the basis of special Power of Attorney

for continuation of previous suit which was dismissed vide Impugned Order dated 03.03.2020.

2. On the other hand, learned counsel for Respondents submits that clause 9 of Special Power of Attorney specifically authorizes the attorney to file new suit. Whereas no arguments regarding name of the attorney was raised before the Consumer Court.

3. The learned counsel for the Respondent argued that acts of attorney can be ratified by the principal. He submitted that instant petition has been filed against Respondent No. 1 in his personal capacity and that he has been engaged vide Wakalat Nama signed by Respondent No. 1 himself. As such he has argued that since principal has not challenged the act of the said attorney for filing a fresh suit before the learned Consumer Court, Islamabad, therefore, even otherwise new suit filed by the attorney stands ratified.

4. Learned counsel for the Respondents seeks time to file comments in this regard and to submit case law about ratification.
5. Relist after ten days.

**(SAMAN RAFAT IMTIAZ)**  
**JUDGE**

