

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

W.P No. 201 of 2022

Zaheer Abbas

VS

Mst. Yasmin Bibi, 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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20.01.2022.	Syed Tahir Abbas, Advocate for the Petitioner.
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Through the instant petition, the Petitioner has assailed judgment dated 29.11.2021 passed by learned Additional District Judge-I, East-Islamabad, whereby appeal against ex-parte judgment & Decree, dated 07.11.2019, passed by learned Senior Civil Judge-III, East-Islamabad has been dismissed.

2. Learned counsel has, inter-alia, contended that the impugned orders have been passed on the basis of misreading and non-reading; that the impugned judgments are based on conjectures and surmises; that the impugned judgments are liable to be set to give a chance of fair trial to the Petitioner.

3. Arguments heard. Record perused.

4. Upon inquiry, learned counsel for the Petitioner has admitted that address of the Petitioner, as given in the proceedings/suit pending before the learned Family Court, is indeed correct. Learned counsel has also

confirmed that the publication was made in the suit. Furthermore it is also admitted that the Petitioner actually entered appearance before the learned trial Court on one date but thereafter remained absent and ex-parte judgment and decree was passed.

5. Perusal of the impugned judgment dated 29.11.2021 shows that the Petitioner/Appellant was in knowledge about pendency of the suit and himself requested for adjournment for engaging his counsel as well as for submission of written statement. Relevant portion of the impugned judgment for is also reproduced hereunder:-

9.the learned Trial Court issued summon, which was duly served on 22.07.2019 and his signatures had also been obtained on back of summon. On 23.07.2019, present Petitioner put his appearance before the learned Trial Court and his signatures with thumb impression have also been obtained on the margin of order sheet. Thereafter, the case was adjourned to 16.09.2019 for submission of wakalatnama as well as written statement, however, on next date i.e 16.09.2019, despite repeated calls, present Petitioner did not appear before the Court and resultantly, ex-parte proceedings were initiated against him. Order sheet of learned Trial Court clearly depicts that present appellant was in well knowledge about pendency of suit and he himself requested for an adjournment for engaging his counsel as well as for submission of written statement and the learned trial Court Adjourned the case on the request of present Petitioner. However, on next date, the present Petitioner malafidely did not appear before the Court.”.

It is pertinent to mention that the above said facts mentioned in the impugned judgment have not been controverted by the learned counsel for the Petitioner.

6. In the above circumstances and candid admission made by the learned counsel for the Petitioner before this Court, it is crystal clear that impugned judgments do not suffer from any illegality or irregularity and warrants no interference of this Court in exercise of its constitutional Jurisdiction. Hence the petition in hand stands **dismissed in limine**.

(SAMAN RAFAT IMTIAZ)
JUDGE