

Form No: HCJD/C-121  
**ORDER SHEET.**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**

**Writ Petition No.4136 of 2022**

Akaash Ismail.

VS

Muhammad Ismail and another.

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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01.	03.11.2022	Mr. Muhammad Inaam Mughal and Ms. Qandeel Ali Kazmi, Advocates for the petitioner.
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Through the instant petition, the petitioner has challenged order dated 16.10.2021, passed by learned Civil Judge 1<sup>st</sup> Class, East-Islamabad, whereby right of the petitioner to file written statement has been closed.

2. Learned counsel for the petitioner, *inter-alia*, contends that the petitioner being defendant No.1 neither appeared in the Court nor file any *wakalatnama*, memo of appearance was filed on 09.03.2020, wherein learned counsel has mentioned that he came to know regarding the pendency of instant suit while appearing in some other case, also stated that he could not establish contact with his client and will submit that *wakalatnama* after establishing contact with his client on the next date but subsequently on many dates learned counsel did not file

*wakalatnama* on behalf of the petitioner and the case was adjourned only on the basis of memo of appearance filed by learned counsel on 09.03.2020, hence impugned order dated 16.10.2021 was passed, the petitioner was totally unaware regarding pendency of civil suit rather it came to her knowledge on 19.10.2022, that some civil suit is pending against her and she instructed her counsel, who examined the file and informed her that impugned order has been passed, valuable rights of the petitioner have been jeopardized, hence impugned order is erroneous and is liable to be set-aside.

3. Points raised, need consideration. Notice to the respondents.

4. As Memo of appearance according to law can be filed only for one date and subsequently the advocate was bound to file *wakalatnama* but in the instant case many adjournments have been granted by the learned Trial Court on the basis of memo of appearance, in which it is also mentioned that the same has not been submitted on the instructions of the petitioner / client.

5. In view of above, learned Member Inspection Team (MIT), Islamabad High Court, Islamabad is directed to seek explanation from learned Civil Judge 1<sup>st</sup> Class, East-Islamabad, that why she

accepted memo of appearance without having instructions from client and case was adjourned on so many dates without having any *wakalatnama* on behalf of the petitioner. Explanation / report of learned Civil Judge 1<sup>st</sup> Class, East-Islamabad, be submitted within a period of two weeks. Learned Member Inspection Team (MIT), Islamabad High Court, Islamabad is directed to place the same for perusal of this Court for further necessary action.

6. Re-list on **17.11.2022.**

**C.M. No.01 of 2022.**

Notice. Meanwhile, proceedings pending before learned Trial Court are stayed. Restraining order shall cease to exist and expire automatically, if not extended specifically on the next date of hearing.

**(TARIQ MEHMOOD JAHANGIRI)**  
**JUDGE**