

## **ORDER SHEET.**

### **IN THE ISLAMABAD HIGH COURT, ISLAMABAD.** **JUDICIAL DEPARTMENT.**

#### **Writ Petition No. 1705/2021**

Kamran Ali.

***Versus***

Bio-Labs Private Limited through its CEO & another.

<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>
(02)	21.05.2021	Mr. Javed Saleem Shorish, Advocate for the petitioner.

The petitioner is aggrieved by order dated 22.01.2021, whereby the application for setting aside ex-parte proceedings was dismissed.

2. The learned counsel for the petitioner states that the petitioner was behind bars on 30.10.2019, when the ex-parte order was passed. He further states that the petitioner never received summon issued on 25.10.2019. The learned counsel further states that even though the impugned order records that according to the report of the Process Server the petitioner was served personally, the Court was under an obligation to examine the Process Server in view of Rules 16, 18 and 19 of Order V of CPC in order to ascertain that the process was duly served and verify that the petitioner had received and signed the summon. He submits that as the learned Additional District Court did not examine the Process Server to ascertain that the service was

duly affected on the petitioner, the impugned order suffers from illegality.

3. Issue notice to respondent No.1. At this stage, Mr. Nauman Ali Malik, Advocate, has appeared on behalf of respondent No.1 and accepts the notice. Respondent No.1 may file para-wise comments within a period of two weeks.

4. The office is directed to summon the original record of the learned trial court including the record of service of summons.

5. To come up on 14.06.2021.

**C.M. No. 01/2021**

Exemption sought for is allowed subject to all just and legal exception.

**C.M. No. 02/2021**

Notice.

**(BABAR SATTAR)  
JUDGE**