

ORDER SHEET  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
(JUDICIAL DEPARTMENT)

**Civil Revision no. 265/ 2017**

Imran Gul and others  
*versus*  
Samina Tariq and others

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
15	26.09.2022	Syed Asghar Hussain Sabzwari, Advocate for the petitioners assisted along with Sh. Faisal Ijaz, Advocate for petitioner no.3, Mujeeb Ur Rehman Kiani, Advocate for petitioner no. 4 and Muhammad Shahzad Siddiq, Advocate. Mr. G. Shabbir Akbar, Advocate for respondent no. 9 CDA. Mr. Mujtaba Haider Sherazi, Advocate for respondents no. 1 to 8.

Towards the end of the detailed and comprehensive submissions of the learned counsels (that were indeed most instructive on many intricate points of procedure and, I say with not little trepidation, on a somewhat hair-splitting and fruitless distinction from a due process perspective between withdrawal of a suit for a formal defect versus achieving the same objective through amendments to the plaint), Mr. Sherazi for the respondents expressed his amenability to the proposal of this civil revision being allowed subject to his original suit being proceeded with and not being regarded as withdrawn.

2 Learned counsels for the petitioners all unanimously agree and concede that their opposition to the second suit cannot deprive the respondents of their causes of action altogether (which of course have to be proved by evidence led at the trial), and the petitioners' disagreement on the point of law with the learned trial Court in permitting the filing of the fresh suit does not enable or permit the obliteration of the original suit. Therefore, given the aforesaid consensus amongst all the learned counsels, this revision is **allowed**, the impugned order dated 10.04.2017 is set aside, and the original suit no. 471/2013 stands revived.

3 **Disposed of** accordingly.

(Sardar Ejaz Ishaq Khan)  
Judge