

JUDGMENT SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Civil Revision No. 256/2013.

National Bank of Pakistan

Versus

Additional District & Sessions Judge (West), Islamabad, etc.

Petitioner by: Mr. Hassan Rashid Qamar, Advocate.

Respondents by: Mr. Fazal ur Rehman Khan Niazi, Advocate.
Sardar Abdul Rashid Khan, Advocate.

Date of Decision: 26.06.2019.

MOHSIN AKHTAR KAYANI, J:- Through this Civil Revision, the petitioner has assailed the judgment dated 21.05.2013, passed by learned Additional District Judge, Islamabad, whereby RFA filed by petitioner was dismissed.

2. Learned counsel for the petitioner contends that petitioner was plaintiff in the suit titled **National Bank of Pakistan Vs. Haroon Rasheed Khan, etc.** for recovery of Rs.2,90,000/-, which was dismissed due to non-production of evidence U/O XVII Rule 3 CPC by the trial Court vide judgment & decree dated 16.07.2011 and trial Court has not given due opportunity of hearing to the petitioner, nor any warning was issued. Learned counsel has further alleged that learned Additional District Judge has also erred while dismissing the appeal vide judgment dated 21.05.2013.

3. Conversely, learned counsel for respondents No.2 & 3 contend that fifteen different opportunities were granted to the petitioner for submission of their evidence, where-after, even last warning was issued but petitioner failed to submit any evidence, as a result whereof suit was dismissed U/O XVII Rule 3 CPC.

4. Arguments heard, record perused.

5. Perusal of record reveals that petitioner filed suit for recovery of Rs.2,90,000/- on 01.09.2007, whereas same was contested and issues were framed on the basis of divergent pleadings vide order dated 22.07.2008, where-after, number of opportunities were granted to the petitioner for submission of evidence which are fifteen in numbers, even last opportunity was granted and the costs of Rs.100/- was also imposed on one of the occasion. Even, absolute last opportunity was also granted but the petitioner has failed to pay the costs and even not bothered to submit the evidence.

6. The perusal of entire record reveals that out of fifteen dates of hearing which were fixed for recording of evidence, petitioner has only produced his witness on one date of hearing which shows their lack of interest. Judgments of trial Court as well as the first appellate Court have been passed within four corners of law and no illegality has been observed. Instant petition is misconceived and the same is hereby dismissed.

(MOHSIN AKHTAR KAYANI)
JUDGE

Zahid