

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No.2774/2019

Muhammad Asad Hanif
Versus
Nazish Fakhar

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	01.08.2019	Ms. Farzana Faisal Khan, Advocate for the petitioner.

Through the instant writ petition, the petitioner, Muhammad Asad Hanif, impugns the order dated 15.07.2019, whereby the learned Civil Court struck off the petitioner's right to file the written statement.

The order sheet of the said case reveals that the learned Civil Court had directed the petitioner to submit his written statement on 29.06.2019. The petitioner neither submitted the written statement on the said date nor on 15.07.2019. This default on the petitioner's part caused the learned Civil Court to strike off his right to file a written statement. Since the petitioner had not complied with the direction of the learned Civil Court to file a written statement, the learned Civil Court was justified in striking off his right to file a written statement. However, learned counsel for the contesting respondents submitted that the petitioner may be permitted to file a written statement subject to payment of costs and provided that he does not prolong the proceedings before the learned Civil Court.

In view of the said concession, the instant petition is allowed, and the impugned order dated 15.07.2019 to the extent of striking off the petitioner's right to file a written statement is set-aside subject to the payment of cost to the tune of Rs.20,000/- to the contesting respondent on the next date of hearing before the learned Civil Court. There shall be no order as to costs.

(MIANGUL HASSAN AURANGZEB)
JUDGE