

Form No: HCJD/C-121.

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

FAO No. 92 of 2015

Capital Development Authority, etc.

Vs

M/s Foundation Head School through its Director

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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08) 25-02-2020. Mr Muhammad Nazir Jawad Advocate, for
the appellant.
Nemo, for the respondent.

This appeal is directed against order,
dated 06-07-2015, passed by the learned
trial Court whereby application under
Order XXXIX Rules 1 and 2 of the Civil
Procedure Code, 1908 was dismissed.

2. The learned counsel for the
appellant has been heard at length.

3. The learned counsel during the
course of arguments has informed that the
evidence has been closed and the matter
is fixed for final arguments. With the able
assistance of the learned counsel the
impugned order has been perused. This

Court is satisfied that the reasons recorded by the learned trial Court do not suffer from any legal infirmity. The discretion exercised by the learned trial Court has not been found to be arbitrary or fanciful. Moreover, the suit is at its final stage and, therefore, this Court is not inclined to interfere with the impugned order.

4. The appeal is, therefore, accordingly **disposed of** with the expectation that the learned trial Court will decide the matter at the earliest.

CHIEF JUSTICE

Tanveer Ahmed.