

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No. 1447/2019

Mst. Yasmeen Riaz

Versus

Additional District Judge-I (East), Islamabad etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(03)	07.11.2019	Sardar Tariq Mehmood Bashir, Advocate for petitioner. Mr. Wajid Hussain Mughal, Advocate for respondents No. 3 to 6.

Through this writ petition, petitioner has assailed order dated 07.11.2018 passed by learned Civil Judge 1st Class (East), Islamabad, whereby, right of petitioner to submit written statement has been closed. He has also assailed the order dated 06.03.2019 passed by learned Additional District Judge-I (East) Islamabad, whereby, revision petition filed by the petitioner against the order of learned Trial Court has been dismissed.

2. Brief facts of the case are that respondents No. 3 to 6 filed a civil suit for declaration, possession through partition and permanent injunction with regard to land/property situated in *khewat* No. 807, *khatooni* No. 1269, *Khasra* No. 2359 measuring 2 *Kanals* 7 *Marlas* falling within the revenue estate of Rawat, Islamabad. The suit was admitted and defendants/petitioner was asked to submit written statement before the learned Trial Court, however, despite availing of opportunities the petitioner failed to do so, as result whereof, his right to submit the written statement was closed vide impugned order. The impugned order was assailed before the

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Additional District Judge-I (East) Islamabad through the civil revision, whereby, order of learned Trial Court was maintained.

3. Learned counsel appearing on behalf of respondents No. 3 to 6 (private respondents) at the very outset, contends that his clients have no objection upon acceptance of instant writ petition by granting one opportunity to the petitioner for submission of written statement before the learned Trial Court, subject to payment of cost. He also informed that next date of hearing in main civil suit is 23.11.2019.

4. In view of above statement, order dated 07.11.2018 passed by learned Civil Judge 1st Class (East), Islamabad is hereby **set-aside** and petitioner is granted one opportunity to file his written statement on the next date of hearing i.e. 23.11.2019, before learned Trial Court, subject to payment of Rs.5,000/- as cost to respondents No. 3 to 6. It is made clear that no further opportunity shall be granted to the petitioner.

5. Instant writ petition stands **disposed of**, in above terms.

(MOHSIN AKHTAR KAYANI)
JUDGE

Khuram