

Form No: HCJD/C-121  
**ORDER SHEET.**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**

**Writ Petition No.3915 of 2022**

Mst. Rabia

VS

Additional District Judge-IV (East), Islamabad and 04 others.

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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09.	03.04.2023	Syed Bilawal Kamal, Advocate for the petitioner. Malik Qamar Abbas, Advocate for respondents No.2 to 4.
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During the course of arguments, learned counsel for the petitioner has argued that the impugned order dated 23.07.2022 has been passed solely on the ground that earlier objection petition filed by the petitioner has been dismissed vide order dated 23.11.2020, whereas no such order is on record.

2. Learned counsel for respondents No.2 to 4 submits that earlier objection petition has been dismissed vide order dated 23.11.2020.

3. While examining the order dated 23.11.2020, it transpired that it is mentioned in the order that only two applications, filed by the judgment debtor, were decided, regarding the one application, learned Executing Court has passed an order that the petitioner should approach the High Court regarding the stay of proceedings and regarding second application, it is mentioned that the decree holder is directed to submit reply to the application for determination of decretal amount, as the order clearly reflects that it has been passed on the two applications filed by the petitioner, one regarding the stay of the execution proceedings and other regarding the determination of decretal amount, whereas earlier objection petition has not been decided on merits.

4. As the objection petition filed by the petitioner has been dismissed subject to payment of cost of Rs.10,000/- but the same has not been paid, petitioner is directed to pay cost of Rs.10,000/- as mentioned in the

order dated 24.05.2022. It is established that the earlier objection petition has not been decided on merits.

5. In view of above, instant petition is **allowed** subject to payment of cost of Rs.20,000/- and impugned order dated 23.07.2022 is set-aside and the matter is remanded back to the learned Trial Court with the direction to decide the objection petition filed by the petitioner strictly in accordance with law as well as purely on merits by a speaking order within a period of two weeks positively. Both the learned counsel for the parties are directed to appear before learned Executing Court on 10.04.2023.

**(TARIQ MEHMOOD JAHANGIRI)**  
**JUDGE**