Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

Civil Revision No.204/2019

Nazeer Hussain Chohan

Versus

Sajjad Hussain, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	23-05-2019	Syed Wusat Ul Hassan Shah, Advocate for petitioner.

Through this petition, the petitioner has assailed order, dated 10-04-2019, whereby right of the petitioner to produce additional evidence was closed under Order XVII Rule 3 of the Code of Civil Procedure, 1908 (*hereinafter referred to as the* **'CPC'**).

2.   The learned Counsel for the petitioner has been heard at length. He has argued that; the impugned order was passed without giving reasonable opportunity to produce evidence; the witness who was to be produced is a Government official and because of his busy schedule he could

not appear before the Court; the impugned order would lead to miscarriage of justice.

3.   The learned Counsel has been heard and the record perused with his able assistance.

4.   Perusal of the record shows that the petitioner filed a suit for specific performance and permanent injunction on 09-10-2011. It appears that the latter was not vigilant in pursuing the proceedings, which led to dismissal of the suit and various applications for want of prosecution. The petitioner was allowed to produce additional evidence. However, despite having been given several opportunities, he kept delaying the matter and failed to produce evidence. This Court is satisfied that in the facts and circumstances of this case, the learned trial Court has exercised discretion in accordance with law. The discretion indeed was not exercised arbitrarily or in a fanciful manner. The learned Counsel could not point out any illegality or material irregularity requiring interference by this Court.

5.   For what has been discussed above, this petition is without merit and is, therefore, accordingly dismissed.

(CHIEF JUSTICE)

Luqman Khan.