

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

C.R.No.251/2019
Muhammad Sardar
Versus
Multan and another

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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03.07.2019

**Sardar Muhammad Yaqoob, Advocate for the petitioner,
Mr. Abdul Majeed Advocate for respondent No.1,
Mr. Jam Khursheed, Advocate for respondent No.2.**

Through the instant civil revision petition, the petitioner, Muhammad Sardar, impugns the order dated 15.05.2019, passed by the learned Civil Court, whereby his right to produce evidence was closed by invoking the penal provision of Order XVII, Rule 3 of the Code of Civil Procedure, 1908.

2. The order sheet reveals that on the previous date of hearing (i.e. 24.04.2019), the learned Civil Court had warned the petitioner that in case he did not produce evidence on the next date of hearing (i.e. 15.05.2019), his right to produce evidence would be closed. The order sheet also shows that on 15.05.2019, the case was taken up for hearing on three occasions, but the petitioner failed to produce evidence. Therefore, the impugned order dated 15.05.2019 cannot be said to have been passed arbitrarily or unlawful.

3. Learned counsel for respondent No.1 submitted that the petitioner had been trying to linger on the proceedings in the suit which has been pending ever since 16.01.2015. He further submitted that the impugned order dated 15.05.2019 may be set-aside subject to the payment of costs and a direction to the learned

Civil Court to decide the suit instituted by the petitioner in an expeditious manner.

4. In view of the above, the instant petition is allowed and the impugned order dated 15.05.2019, is set-aside subject to the payment of costs amounting to Rs.10,000/- payable to respondent No.1 on the next date of hearing before the learned Civil Court. The petitioner shall not be granted any adjournment. The learned Civil Court shall endeavor to decide the pending suit expeditiously and preferably within a period of six months from the date of the receipt of this order.

(MIANGUL HASSAN AURANGZEB)
JUDGE

Sultan*