

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

Civil Revision No. 350 of 2017

Mst. Robeena Tanveer, etc.

Vs

Noor Nussain, etc.

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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22-07-2020. Mr. Qaiser Imam Chaudhry, Advocate for the petitioners.
Raja Umer Ijaz, Advocate for respondents no. 2,4, 5 and 6 in connected contempt petitions.

Through this petition the petitioners have assailed judgment and decree, dated 21.09.2017 passed by the learned Additional District Judge-IV, East Islamabad.

2. The facts, in brief, are that a suit was filed on 13.12.2006 by Raja Ranveer and Safia Bibi, respectively. During pendency of the suit, plaintiff no.1 passed away and, therefore, his legal heirs were impleaded. The suit was against ninety six defendants. The learned trial court dismissed the suit vide ex-parte judgment and decree, dated 18.04.2011. An appeal was preferred by the present petitioners and the same was allowed by the learned appellate court vide judgment and decree, dated 01.03.2013. The said judgment was also

passed ex-parte. Out of ninety six defendants, only one filed an application for setting aside of ex-parte judgment and decree, dated 01.03.2013. The application was allowed vide order, dated 17.01.2019. Subsequently, the suit was dismissed by the learned appellate court vide the impugned judgment and decree, dated 21.09.2017 on the sole ground that it was barred by time.

3. The learned counsel for the petitioner, at the very outset, has pointed that misreading and non reading of the record is obvious from the fact that the learned appellate court had erred in recording in the impugned judgment that the judgment and decree passed by the learned trial court was dated 18.04.2010, whereas it was passed on 18.04.2011.

4. The learned counsel who has appeared on behalf of the respondents was asked whether contention of the learned counsel for the petitioners is correct? Taking a fair stance, he has conceded that actual date of passing of the judgment and decree was 18.04.2011 and not 18.04.2010.

5. For the above reasons, the impugned judgment and decree, dated 21.09.2017 was passed by misreading/non-reading the record

and, therefore, is not sustainable. The petition is, therefore, allowed and the impugned judgment and decree, dated 21.09.2017 is hereby set aside. The appeal preferred by the petitioners shall, therefore, be treated as pending before the learned appellate court.

CHIEF JUSTICE

Saeed.