
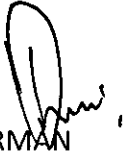




Form-A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal's Restoration Application No. 342/2019

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge  |
|-------|---------------------------|---|
| 1     | 2                         | 3   |
| 1     | 16.09.2019                | <p>The application for restoration of appeal No. 294/2017 submitted by Roeda Khan Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"><br/>REGISTRAR <span style="float: right;">16/9/19</span></p>   |
| 2     |                           | <p>This restoration application is entrusted to D. Bench to be put up there on <u>10-10-19</u></p> <p style="text-align: right;"><br/>CHAIRMAN</p>   |
|       | 10.10.2019                | <p>Petitioner in person present. Mr.Ziaullah, DDA for respondents present. Petitioner seeks adjournment as his counsel is not available today. Adjourn. To come up for <sup>reply &amp;</sup> arguments on restoration application on 15.11.2019 before D.B. <sup>for reply</sup> Notice be issued to respondents</p> <p style="text-align: center;"> <br/>Member         <span style="margin-left: 200px;"><br/>Member</span> </p> |

15.11.2019

Counsel for the applicant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the applicant requested for adjournment. Adjourned to 14.01.2020 for reply/arguments on restoration application before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

14.01.2020

Applicant in person and Mr. Ziaullah, Deputy District Attorney for the respondents present. Applicant requested for adjournment on the ground that his counsel is not available today due to general strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourned to 14.02.2020 for reply/arguments on restoration application before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

14.02.2020

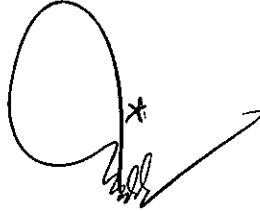
Appellant alongwith his counsel present. Mr. Kabirullah Khattak learned Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 18.03.2020 for reply/arguments on restoration application before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

18.03.2020

Counsel for the petitioner present. Addl: AG for respondents present. Learned Addl: AG submitted reply on restoration application. Learned counsel for the petitioner seeks adjournment. Adjourned. To come up for arguments on 20.05.2020 before D.B.

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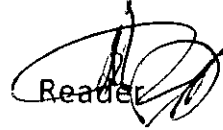
(MAIN MUHAMMAD)  
MEMBER

A handwritten signature in black ink, consisting of the letters 'MA' followed by a flourish.

(M.AMIN KHAN KUNDI)  
MEMBER

\_\_\_\_\_.2020

Due to COVID19, the case is adjourned to  
12/8/2020 for the same as before.

  
Reader

12.08.2020

Due to summer vacations case to come up for the same on  
14.10.2020 before D.B.

  
Reader


14.10.2020



Miss. Roeeda Khan, Advocate for appellant is present. Mr. Usman Ghani, District Attorney for the respondents is also present.

2. Learned counsel for the appellant invited the attention of the bench to the application for restoration of the titled Service Appeal which was dismissed in default and submitted that due to death of his nephew he was unable to attend the court because there was no other male member of his family to attend the court proceedings, therefore, he submitted that on the stated grounds this appeal is restorable.

3. On the other hand, the learned District Attorney submitted that the service appeal of the appellant was dismissed in default on 01.03.2018 and the appellant submitted application for its restoration on 16.09.2019, under the law~~s~~ appellant was required to file application for restoration within 15 days from the date of dismissal in default of service appeal but he has filed the restoration application after a period of more than seventeen months, therefore, the instant restoration application is badly time barred which is liable to be dismissed.

4. It is evident on record that the present service appeal was called on for hearing on 01.03.2018 but no one appeared on behalf of the appellant resulting into its dismissal in default. The application for restoration of appeal was submitted on 16.09.2019 beyond the prescribed period of limitation nevertheless, while keeping in view the arguments of the learned counsel for petitioner/appellant and the law and precedent on the subject which prefer decision on merits rather than looking at technicalities and since valuable rights are involved, therefore, the appeal is restored to the file but for admonition costs of Rs. 2000/- is imposed to be paid to the respondents. On payment of costs receipt ~~to~~ this regard has to be obtained from the duly authorized representative of the respondents to be deposited in the government exchequer and by placing the receipt on file. File to come up for arguments on 01.12.2020 before D.B.

  
(Atiq-ur-Rehman Wazir)  
Member (Executive)

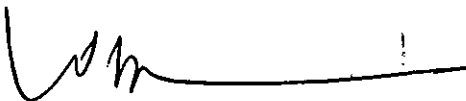
  
  
(Muhammad Jamal Khan)  
Member (Judicial)

01.12.2020

Appellant with counsel present.

Riaz Painsdakhel learned Assistant Advocate General for respondents present.

Former requests for adjournment; granted. Adjourned. To come up for arguments on 08.02.2021 before D.B.



(Atiq-Ur-Rehman Wazir)  
Member (E)

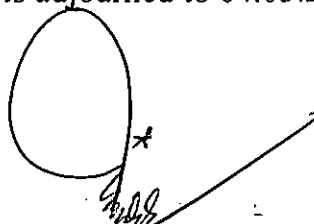


(Rozina Rehman)  
Member (J)

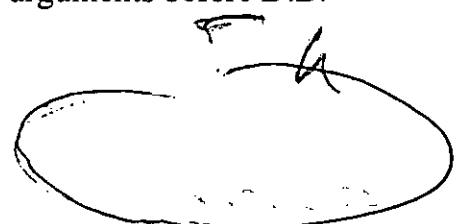
08.02.2021.

Appellant with counsel present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Aziz Shah, Reader for respondents present.

Learned counsel for the appellant submitted that she has not prepared the brief as she is procuring certain documents and requested for adjournment. The request is accepted and the appeal is adjourned to 04.05.2021 for arguments before D.B.



(Mian Muhammad)  
Member (E)



(Muhammad Jamal Khan)  
Member (J)

4.5.2021

*Due to COVID-19, the case is adjourned to 2.9.2021 for the reason.*



02.09.2021

Miss Roeeda Khan, Advocate for the appellant present. Mr. Usman Ghani, District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has been recently engaged in the instant appeal and complete record has not yet been provided to her by the appellant. Adjourned. To come up for arguments before D.B on 09.12.2021.



(ATIQ UR REHMAN WAZIR)  
MEMBER (EXECUTIVE)

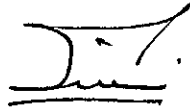


(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

09.12.2021

Counsel for the appellant and Mr. Asif Masood, DDA for the respondents present.

Counsel for the appellant seeks time in order to prepare the brief. Request is accorded. To come up for arguments on 30.03.2022 before the D.B.



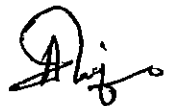
(Salah-ud-Din)  
Member(J)



Chairman

30-3-2022

Proper DB not available the case is adjourned to come up for the same as before on 4-7-2022

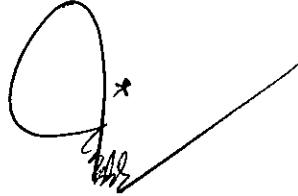


Reader

04.07.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Raziq, Head Constable alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 11.10.2022 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)

11<sup>th</sup> Oct., 2022

Appellant present in person. Mr. Kabirullah Khattak, Addl. AG alongwith Ahmad Jan, SI (Legal) for the respondents present.

Appellant seeks adjournment due to engagement of his learned counsel before Hon'ble Peshawar High Court. Adjourned. To come up for arguments on 10.11.2022 before the D.B.



(Fareeha Paul)  
Member (E)



(Kalim Arshad Khan)  
Chairman





10.11.2022

Appellant alongwith counsel present.

Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 08.12.2022 before the D.B.

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)