





Form-A  
FORM OF ORDER SHEET


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

Appeal's Restoration Application No. 250/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	21.06.2019	<p>The application for restoration of appeal No.369/2017 submitted by Mr. Muhammad Maaz Madni Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 21/6/19</p>
2		<p>This restoration application is entrusted to D. Bench to be put up there on <u>04-7-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	09.07.2019	<p>Learned counsel for the petitioner present. Notice of the present application be issued to the respondents for reply. Adjourned to 05.09.2019 for reply and arguments before D.B.</p> <p style="text-align: center;"> Member</p> <p style="text-align: right;"> Member</p>

05.09.2019 Junior to counsel for the appellant present and seeks adjournment as senior counsel for the appellant is not in attendance. Adjourned. To come up for further proceedings on 11.10.2019 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

10.10.2019 Petitioner with counsel present. Mr. Ziaullah, DDA for respondents present. Learned counsel for the petitioner seeks adjournment. Adjourn. To come up for <sup>reply of</sup> arguments on restoration application on 15.11.2019 before D.B. <sup>Notice</sup> be issued as the orders for <sup>reply</sup>

  
Member

  
Member

15.11.2019 Counsel for the applicant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned Assistant AG requested for adjournment to file reply on restoration application. Adjourned to 15.01.2020 for reply and arguments on restoration application before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

15.01.2020

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant appeal is adjourned to 04.03.2020 for further proceedings/arguments before D.B.



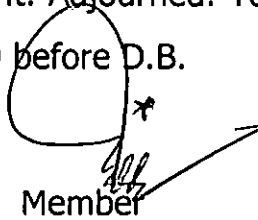
Member



Member

04.03.2020

Petitioner in person present. Mr. Muhammad Jan, DDA alongwith Mr. Salman, Assistant for respondents present. Representative of the respondents submitted written reply on application for restoration of appeal which is placed on file. A copy of the same was also handed over the petitioner. Petitioner seeks adjournment. Adjourned. To come up for arguments on 08.04.2020 before D.B.



Member



Member

8-4-2020

Due to COVID19, the case is adjourned to  
6/7 2020 for the same as before.

  
Reader

06.07.2020 Due to COVID19, the case is adjourned to 31.08.2020 for  
the same as before.

  
Reader

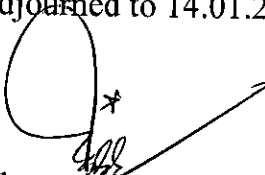
31.08.2020 Due to summer vacation, the case is adjourned to  
05.11.2020 for the same as before.

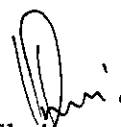
  
Reader

05.11.2020

Junior to counsel for the appellant and Addl: AG for  
respondents present.

The Bar is observing general strike, therefore, the  
matter is adjourned to 14.01.2021 for hearing before the D.B.

  
(Mian Muhammad)  
Member (E)

  
Chairman

14.01.2021

Junior to counsel for appellant and Kabirullah Khattak learned AAG alongwith Salman Assistant for respondents present.

Due to COVID-19, the case is adjourned to for the same on 01.04.2021 before D.B.

  
READER

01.04.2021

Due to non availability of the concerned D.B, the case is adjourned to 05.07.2021 for the same.

  
Reader

05.07.2021

Appellant present through counsel.

Muhammad Rasheed learned Deputy District Attorney for respondents present.

Former made a request for adjournment. Adjourned. To come up on 27.10.2021 for arguments before D.B.

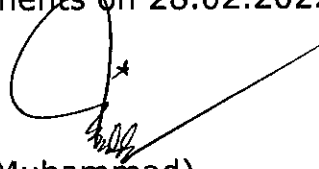
  
(Rozina Rehman)  
Member(J)

  
Chairman

27.10.2021

Mr. Umer Farooq, Advocate, as proxy for learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Mr. Umer Farooq, Advocate, stated that he has been informed by learned counsel for the appellant that he would be unable to appear before the bench today, <sup>being</sup> due to out of station, therefore, adjournment may be granted. Adjourned. To come up for arguments on 28.02.2022 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

28.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 27.05.2022 for the same as before.



Readoo

27<sup>th</sup> May, 2022

Clerk of the counsel present. Mr. Muhammad Adil Butt, Addl. AG for respondents present.

Arguments could not be heard due to general strike of the bar. Case is adjourned. To come up for arguments on 25.07.2022 before D.B.



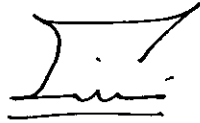
(Fareeha Paul)  
Member (E)



(Kalim Arshad Khan)  
Chairman

25<sup>th</sup> July 2022 Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not made preparation for arguments. To come up for arguments on 20.10.2022 before the D.B.



(Salah-Ud-Din)  
Member (J)



(Kalim Arshad Khan)  
Chairman

20<sup>th</sup> Oct, 2022 Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. Last opportunity is granted to him to argue the case on the next date failing which the case will be decided on the available record without arguments. To come up for arguments on 30.11.2022 before D.B.



(Fareeha Paul)  
Member(Executive)



(Kalim Arshad Khan)  
Chairman



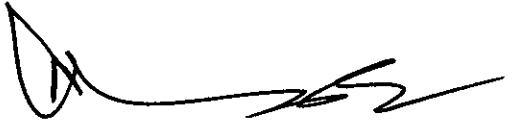
30<sup>th</sup> Nov 2022

1. Learned counsel for the appellant present and heard.

2. This application is for restoration of appeal dismissed in default vide order dated 15.03.2019. It appears that on 21.01.2019, the matter was fixed before the Tribunal and was adjourned to 15.03.2019 due to general strike of the bar. On 15.03.2019 the appeal was dismissed in default due to non-appearance of the appellant and his counsel. Learned counsel for the appellant contended that the then counsel for the appellant was not communicated the next date to the appellant. Even then the appellant cannot be absolved as he was also bound to pursue his cause and for the purpose he ought to have inquired about the status of his appeal or the dates to be fixed but he did not, therefore, to secure the ends of justice, this application is allowed but on payment of Rs.10000/- as cost to be paid to the other side. The appeal stands restored to its original number. The appellant is given last chance to argue this appeal failing which the appeal will be decided on the available record without the arguments. To come up for arguments on 15.02.2023 before D.B.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 30th day of November, 2022.*

  
(Fareeha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman