



(2)

dismissed under Sub Rule 1 or Ex-parte proceedings have been taken under Sub Rule 2, the Tribunal may on such order as to cost as it may deem fit, restore the appeal or as the case may be set aside the ex-parte order or allow the defaulting party to rejoin the proceedings.

4. That the valuable rights of respondents is involved in the captioned appeal case and the Apex Court favour that case must be decided on merits and technicalities should be avoided.
5. That some other grounds may be adduced during the course of arguments with kind permission of this Honourable Tribunal.

*It is, therefore, humbly prayed that on acceptance of this application, the ex-parte proceedings may kindly be set aside to the extent of respondents No 5 & 6.*

Dated:- 24/01/2023

Respondents No 5 & 6

Through:-

*Ans*  
Muhammad Anwar Mohmand  
Advocate High Court(s)  
Peshawar.  
Cell No:- 0315-8009832

Israr UD Din *[Signature]*  
Advocate High Court

### AFFIDAVIT

I, do hereby solemnly affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

*[Signature]*  
01/23

DEPONENT

*[Signature]*