



Restoration Application No.616/2022

11th July, 2023

1. Learned counsel for applicant and Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.
2. Instant application is for restoration of appeal No.158/2012 dismissed in default on 31.05.2022. After dismissal of the instant case in default, the applicant/counsel have not bothered to file restoration application within time i.e. within one month, but the same was filed after more than four months. Besides, there is no application for condonation of delay. Learned counsel for the applicant stated that on the date of hearing of main appeal, the applicant was on duty at Dassu, Kohistan while he was busy at Peshawar High Court, Peshawar. Learned Additional Advocate General submitted that the same was rightly dismissed in default and the application too, is liable to be dismissed. However, in the interest of justice and in view of the request of the learned counsel for the petitioner, this application is accepted and the main service appeal is restored but subject to payment of cost of Rs.10,000/- to be paid on behalf of the applicant. To come up for arguments on 08.11.2023 before D.B. P.P given to the parties.
3. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 11th day of July, 2023.*


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

*Mutazem Shah *