


FORM OF ORDER SHEET

Court of

12(2) CPC Petition No. 591/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	23/08/2023	The Petition U/S 12(2) CPC in appeal no. 1217/2023 submitted by Muhammad Adeel Butt. It is fixed for hearing before Division Bench at Peshawar on <u>23/08/2023</u> . Original file be requisitioned.  By the order of Chairman  REGISTRAR

23<sup>rd</sup> Aug, 2023

1. Mr. Muhammad Adeel Butt, advocate for the petitioner present and has requested for requisitioning of original file. The original file was requisitioned.

2. Learned counsel for the petitioner submitted that after the impugned order of transfer dated 27.01.2023 and during the pendency of appeal No. 1217/2023 vide order dated 25.07.2023, the petitioner was again transferred as Patwari Halq Wadpaga and he had also submitted an application on the date of hearing for decision of the appeal in view of the latest development but his request was not considered nor such fact was brought in the judgment by the learned bench deciding the appeal, which has adversely effected his rights compelling him to file this application under section 12(2) of the CPC to make a request to the court to set aside the judgment and decide the case on merits bringing all the facts in the decision.

3. Let notice be issued to the other side for 05.09.2023 before D.B.

4. The learned counsel further submitted that in compliance with the order dated 25.07.2023, the petitioner has assumed the charge of the post of Patwari Halqa Wadpaga and was still working against that, while the order dated 25.07.2023 was also in the field having not been discussed in the judgment, therefore, he may be allowed to continue till the decision of the application U/S 12(2) of the CPC. Therefore, the petitioner shall continue to work against the post of Patwari Halqa Wadpaga till the date fixed.



(Salah Ud Din)  
Member (Judicial)



(Kalim Arshad Khan)  
Chairman