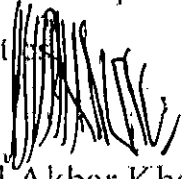



09.2023 1. Learned counsel for the appellant present. Mr. Muhammad Jan learned District Attorney for the respondents present.

2. Arguments on amendment application heard. Appellant through instant application seek amendment to the extent to allow him to complete his continued public service upto 60 years of retirement as fundamental rights guaranteed to him under Article 9, 18, 25 and 27 of the Constitution as per dicta set by Supreme Court of Pakistan in its reported judgment 2010 P.L.C (C.S) 820. Learned counsel for the appellant argued that he just want to amend the prayer part mentioned above without changing substance, character of the case and cause of action set out in the appeal. He further argued that from the intended amendment neither nature of the appeal nor cause of action will be change. On the other hand, learned District Attorney argued that appellant is estopped by his own conduct and through the instant application for amendment, he just to delay/linger on the matter.

3. Having regard to the arguments of learned counsel for the appellant as well as learned District Attorney for the respondents, we come to the conclusion that order-vi Rule-17 confers power upon the court to permit the party to amend his pleading subject to; first from the proposed amendment, nature of appeal and secondly cause of action will not be change.

4. In the instant case from intended amendment neither nature nor cause of action will change and addition in the prayer will not affect the merit of the case, therefore, application in hand is accepted. Appellant is directed to submit amended appeal within a week. Adjourned. To come up for arguments on 18.01.2024 before D.B. P.P given to the parties.

  
(Muhammad Akbar Khan)  
Member (I)

  
(Rashida Bano)  
Member (J)