

27<sup>th</sup> Sept, 2023

Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Learned Assistant Advocate General pointed out that parawise comments on behalf of the respondents No. 1,3 and 10 have already been filed, therefore, it would be appropriate to admit this appeal to regular hearing. The learned counsel for the appellant and learned Assistant Advocate General were asked to assist the Tribunal as to impleadment of the respondents in this appeal both of them agreed that respondents No. 2,4,5,6,8 and 9 were unnecessary parties, therefore, they requested for deletion of their names from the panel of respondents. Names respondents No. 2,4,5,6,8 and 9 are, therefore, deleted from the panel of respondents. Office is directed to make necessary entry in the relevant register as well as in the memo and grounds of appeal. Written reply on behalf of respondents No. 1, 3 and 10 have already on file and only reply of respondents No. 7 is to be filed, therefore, while admitting this appeal to regular hearing, notice be issued to respondent No.7 for submission of written reply. The appellant is directed to deposit security fee within ten days. Respondent be summoned through TCS/LCS, the expenses of which be deposited by the appellant within three days. Learned counsel for the appellant has deposited of Rs. 10000/- the amount of cost which be deposited to some orphanage. To come up for written reply/comments of respondent No.7 on 01.12.2023 before S.B at camp court Abbottabad.



(Kalim Arshad Khan)

Chairman

Camp Court Abbottabad

\*Adnan Shah\*

Restoration Application No.106/2023


20<sup>th</sup> June, 2023

1. Learned counsel for the petitioner present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Muhammad Hajjaj, Litigation Officer, for the respondents present.

2. This application is for restoration of appeal dismissed in default vide order dated 18.11.2022. Perusal of original file reveals that on 23.09.2022, the petitioner had made a request for adjournment, the same was adjourned to 18.11.2022 and on 18.11.2022 neither petitioner nor his counsel were turned up. Consequently, the appeal was dismissed in default. The instant application for restoration of main appeal was filed on 27.02.2023. It was contended by the petitioner that due to some misunderstanding in getting the next date, the petitioner could not put appearance before the Tribunal on 18.11.2022 and due to some further inadvertence, the instant application was filed on 27.02.2023 after a delay of almost three months.

3. In view of the above submissions of the petitioner and in the interest of justice, this application is allowed but on payment of Rs.10,000/- as cost to be paid on behalf of petitioner, to be deposited in some orphanage. The appeal stands restored to its original number. The appellant is given last chance to argue this appeal. To come up for preliminary hearing on 27.09.2022 before S.B at Camp Court Abbottabad.

4. *Pronounced in open court in Abbottabad and given under our hands and seal of the Tribunal on this 19<sup>th</sup> day of June, 2023.*

  
(Kalim Arshad Khan)  
Chairman  
Camp Court, Abbottabad