

Restoration Application No.440/2024 titled "Syeda Munaza Andaleeb Vs.
Education Department"

ORDER

31st July, 2024 **Kalim Arshad Khan, Chairman:** Learned counsel for the applicant (via video link from Abbottabad) present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Earlier, an application for restoration of appeal was filed by the petitioner bearing No.189/2023, which was decided on 22.06.2023 in the following manner:


"This application has been moved to get Service Appeal No.1324/2011 restored which, according to the applicant, was dismissed in default on 16.04.2018. Copy of the order dated 16.04.2018 is annexed with the application. The same shows that certified copy was issued on 12.11.2021. The order dated 16.04.2018 shows that counsel for the appellant had withdrawn the appeal by stating at the bar that grievance of the appellant had been redressed. On the request, the appeal was dismissed as withdrawn. As the appeal was not dismissed in default, rather it was dismissed as withdrawn and that too, on the request of the learned counsel for the appellant that grievance of the appellant had been redressed, therefore, application for restoration of appeal is misconceived and is dismissed accordingly. Consign"


3. Now, this application under Section-12(2) CPC, 1908 has been moved, which is not only bereft of the elements of fraud and misrepresentation etc. but also on the same grounds on which application for restoration was filed. Besides, the application under Section-12(2) of CPC is barred by time as well. Although, the petitioner has stated that she got knowledge of the order dated 16.04.2018 on 28.03.2023, but no source of getting knowledge has been mentioned.



4. For the above reasons, we see no merits in this petition, therefore, the same is dismissed with costs. Consign.

5. *Pronounced in open Court at Peshawar given under our hands and seal of the Tribunal on this 31st day of July, 2024.*


(Freeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

*Mutazem Shah *

