

**BEFORE THE KKKHYBER
PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

Waqar Ahmad..... Appellant

Vs

Local Government & Others.....Defendant

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 12321

Dated 22/4/24

APPLICATION FOR SETTING ASIDE EX-PARTE
Proceedings DATED: 01-01-2024

Respectfully Sheweth,

1. That the captioned appeal is pending adjudication before this Hon'ble Court, which is fixed for today i.e. dated: 22.04.2024.
2. That the Ex-parte proceedings has been initiated against the applicants/respondents, the applicant seek setting aside of the Ex-parte proceedings on the following grounds as under:-

Grounds:

- A. That the applicants regularly attending the court proceedings and on the date hearing dated: the counsel of the Respondents marked attendance and then went to attend the case before Peshawar High Court, Peshawar and did not get time to attend the proceedings and the respondents were present but due to mis understanding they did not attend the court at court call, which results in the instant ex-parte proceedings, which liable to be set-aside.

- B. That the applicants will suffer an irreparable loss, if the applicant have not been given the opportunity to defend the appeal brought against them.
- C. That valuable rights of the petitioners are connected to the present litigation and the petitioners should be given an opportunity to protect and defend his rights otherwise the purpose of law would be defeated and serious miscarriage of justice would be done.
- D. That it is the principle of natural justice that no one should be condemned unheard, therefore, the applicant should also be given a right of audience.
- E. That there is no legal embedment / hurdle in the way of allowing this petition, while acceptance of this petition would enhance the demands of justice.

UNDER THE FOREGOING SUBMISSIONS, IT IS, THEREFORE, RESPECTFULLY PRAYED THAT THE EX-PARTE PROCEEDINGS DATED: MAY 1-1-2024 KINDLY BE SET ASIDE AND THE APPLICANT MAY KINDLY BE GIVEN AN OPPORTUNITY TO DEFEND THE INSTANT SUIT.

Petitioner
Through
Asif Ali Shah
&
Haseen Ullah Gamaryani
Advocates, High Court

Dated: 22.04.2024

Affidavit

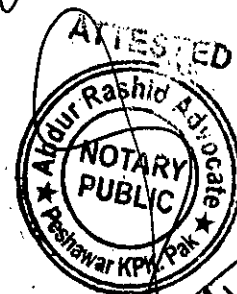
It is hereby verified that the contents of this petition are true and correct to best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Deponent
(as per instruction of my client)

M. dard

[Signature]

[Signature]



22/4/2024