

IN THE COURT OF MIRZA JAWAD A: BAIG,  
DISTRICT & SESSIONS JUDGE,  
PRESIDING OFFICER, DISTRICT CONSUMER COURT,  
DERA GHAZI KHAN,

(PHONE: PTCL: 0642474100. FAX: 0642470496).

Husnain Raza                      versus                      New Pak Electronics

Complaint/ Application No:                      2238 / 159 / 12.  
Date of Institution:                                      23-02-2012.  
Date of Decision:                                      08-03-2012.

APPLICATION FOR CANCELLATION OF EX-PARTE ORDER

ORDER:

The petitioner is represented jointly by Syed Haider Ali Bukhari Advocate and Hashim Sher Khan Advocate while respondent is represented jointly by Syed Ashraf Hussain Shah Mashhidi Advocate Syed Bashir Hussain Shah Bukhari Advocate.

1. The case is at the stage of the arguments and production of the main decided complaint which has been produced by the Ahlmad.

2. It is being stated jointly by both learned counsel for the respondents that they have no objection if the application is accepted subject to the payment of reasonable costs therefore the arguments have been heard and the file of the main decided complaint being annexed with the file of the present application has also been perused along with the perusal of the file of the present application as such I proceed to discuss and dispose off the application by discussion in the following paragraphs.

3. The petitioner has requested for setting aside of ex-parte order dated 18-01-2012 by alleging that he has no knowledge about this date by pleading about the precious rights being involved and the need to decide the main case on merits through the application under discussion.

4. Since it has been contended on behalf of the respondent that he has no objection against the cancellation of ex-parte order subject to the payment of reasonable costs as such I find that the cost is proper to be determined at Rs.500/- in the interest of justice.

5. In accordance with above findings, the application is accepted and the impugned order is set aside and the main complaint is restored for fresh trial subject to the payment of Rs.500/- as costs.

6.        The file of the main complaint is available having already annexed with the file of the present application which is directed to be entered on new number by creating fresh order sheet immediately and to be fixed for the payment of costs to the next date being given in the said file.

7.        A copy of this order is to be included in the file of the main complaint for ready reference.

8.        *The file of this application is to be consigned to the record room of this court duly page marked with proper index and after due completion and made available for issuance of attested copies and kept under safe custody till the period fixed for destruction in accordance with the Rules & Orders of Honourable Lahore High Court.*

Announced:  
08-03-2012.

(MIRZA JAWAD A: BAIG)  
D. & S. J. / P.O., D.C.C., D.G.K.,  
PUNJAB, PAKISTAN.