

IN THE COURT OF *MIRZA JAWAD A: BAIG*, DISTRICT & SESSIONS JUDGE,  
PRESIDING OFFICER, DISTRICT CONSUMER COURT,  
DISTRICTS: D.G. KHAN; LAYYAH; MUZAFFARGARH; RAJANPUR,  
50/Z, MODEL TOWN, DIVISIONAL HEAD QUARTER, DERA GHAZI KHAN.

(PHONE: PTCL No. 0642474100) (FAX No. 0642470496).

Mohammad Kashif Versus SNGPL etc.

APPLICATION FOR SETTING ASIDE EX-PARTE JUDGMENT DATED 01-06-2011

Complaint/Application No: 1945 / 648 /11.  
Date of Institution: 25-11-2011.  
Date of Order: 12-11-2012.

**ORDER:**

The petitioners are being represented by Tahir Saleem Khan Gajjani Advocate High Court from D.G.Khan along with representative of the petitioners while the respondent is represented jointly by Mussarat Ali Khan Dasti Advocate High Court, Syed Haider Ali Bukhari Advocate High Court and Hashim Sher Khan Advocate High Court all three from D.G.Khan with reliance on the joint Wakalatnama included in the main decided file.

1. The case is at the stage of the arguments which have been heard and the file of the main decided complaint being annexed with the file of the present application has also been perused alongwith 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.

2. The petitioners have requested for the setting aside of ex-parte order dated 01-06-2011 by alleging the date of knowledge as 27-10-2011 by pleading about the precious rights being involved and the need to decide the case on merits by the application.

3. The application has been contested by the claimant as respondent in his written reply by raising the objections about maintainability of the application, expiry of the period of limitation and malafide etc with request for dismissal with damages and costs and for implementation of the order under challenge.

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.1000/- 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.1000/- 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:  
12-01-2012.

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