

**IN THE COURT OF SHAUKAT KAMAL DAR DISTRICT &  
SESSIONS JUDGE/PRESIDING OFFICER,  
DISTRICT CONSUMER COURT,  
SIALKOT/NAROWAL.**

Suliman Bin Sultan.

Versus.

Mistree Pervaiz Akthar.

**Application for setting aside ex-parte order dated 06-12-2018 &  
decree dated 02-05-2019 under Order 09 Rule 13 C.P.C.**

**Order  
21-05-2019.**

The Petitioner/respondent has filed an application for setting aside ex-parte order dated 06-12-2018 and decree dated 02-05-2019, with the contention that above said case has been pending in this Court and was decided/decreed on 02-05-2019, whereas, the petitioner/respondent was never served any notice. The petitioner/respondent got information about the ex-parte decree from the uncle of the complainant on 03-05-2019 that the above said case has been decided against him. He further contended that the petitioner/respondent is noble citizen who used to fulfill his promise and if he had knowledge about the pendency of the complaint he would have appeared in the Court and his non appearance is not intentional but due to non information. He further contended that complainant had filed petition against the respondent and has filed Civil suit which are pending in Civil Court during the proceedings the counsel of the complainant had been appearing but he did not inform him about the pendency of this complaint in the Court. He further submits that the instant application filed within time which is supported by affidavit.

2. Notice was issued to the respondent/petitioner for preliminary arguments and original file was also summoned. Perusal of record shows

**Shaukat Kamal Dar**  
District & Sessions Judge/Presiding Officer  
District Consumer Court Sialkot/Narowal

that messenger of this Court Mehfooz Ahmed went at the residence of the respondent/petitioner/Mistree Pervaiz Akthar on 04-12-2019 and handed over one notice to him and as the token of service got his signature ExhPAA/1 at the over leaf of the other notice which is duly attested by the Registrar of this Court. In this regard the statement of process server was also got recorded on 06-12-2018 separately. Today the respondent/petitioner himself appeared before the Court alongwith his learned counsel Imran Sohail Tarrar, whereupon, he was confronted with the notice Exh-"PAB" and his signature Exh-PAA/1 on the back side of the notice, whereupon, he frankly conceded that the notice Exh-"PAB" has his signature Exh-PAA/1. This fact shows that the petitioner/respondent was duly served with the notice and he was well aware about the pendency of this complaint in this Court and the contention made in the application are not correct and after thought. As the respondent was proceeded ex-parte on 06-12-2018 and the instant application had been filed on 15-05-2019, hence, the instant application is badly time barred and has no merits and the same is dismissed. File be consigned to the record room after its due completion.

Announced:  
21-05-2019.

Shaukat Kamal Dar  
Presiding Officer,  
District Consumer Court  
Sialkot/Narowal

21/5/2019

