

IN THE COURT OF MR. LEARNED
ADDITIONAL DISTRICT JUDGE RAWALPINDI

Nabeel Ahmed Raja Khan Vs Mehmood Alam Gujar Butt

(Suit for Recovery under Order 37 CPC)

APPLICATION FOR SETTING ASIDE EX PARTE JUDGMENT AND
DECREE DATED 20-10-2016 ON BEHALF OF DEFENDANT

WRITTEN REPLY ON BEHALF OF DECREE HOLDER
(PLAINTIFF)

PRELIMINARY OBJECTIONS:-

1. That the application under reply is hopelessly time barred.
2. That the application has been filed without seeking condonation of delay, therefore the period of said delay cannot be entertained as right of applicant.

3. That the applicant has concealed material facts regarding no knowledge of said suit & decree, therefore the application is not entertain able.

ON MERIT:-

1. Para 1 is correct to the extent of judgment dated 20-10-2016.

Rest of the Para is not correct as stated, hence denied.

2. Para 2 is correct and admitted.

3. Para 3 is incorrect and denied. The applicant was well aware about the said suit which is evident from order sheet dated 21-07-2016 wherein the service of summon through father of applicant was reported, therefore the plea of applicant for having no knowledge of the suit is false, baseless and therefore cannot be entertained. Further the applicant contested criminal case FIR No: 20233 of 2015 which was lodged much

prior to filing of the suit, therefore the plea of applicant is baseless.

4. Para 4 is false, baseless & incorrect, therefore denied. It was applicant who avoided to appear and contest the case.

5. Para 5 is incorrect and denied. Reply at Para 3 ante is reiterated here.

6. Para 6 is incorrect and denied. The applicant is a habitual criminal who after lodging of above stated FIR, applied for post arrest bail and after obtaining interim used to remain absent on next date and similarly after rejection of bail due to non prosecution, used to file a fresh one for again obtaining interim bail. It is further added that same practice repeated for more than five times and thereafter he was arrested.

7. Para 7 is false, incorrect therefore denied. The reply at Para 3 & 6 is reiterated here.

8. Para 8 is incorrect and denied. Since the applicant is a habitual criminal person who used to defraud innocent people, therefore in case of acceptance of this application, it would be respondent/plaintiff who shall suffer irreparable loss.

9. Para 9 is not correct as stated, hence denied. The applicant cannot hide behind the ground of technicalities.

PRAYER:

In view of above, it is respectfully prayed that the application under reply may kindly be dismissed in the interest of justice.

Respondent/Plaintiff (Decree Holder)

Through

Counsel

Advocate High Court