

**JUDGMENT SHEET****PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
(Judicial Department)****CR No. 65-A/2024****J U D G M E N T**

*Petitioner(s) (Qazi Ejaz) by Mr. Nadeem Khan, Advocate.*

*Respondents (Hizbullah) Ms. Haseena Advocate on behalf of Mr. Muhammad Zubair Khan, Advocate.*

***Date of hearing: 11.03.2024.***

**MUHAMMAD IJAZ KHAN, J.** Through this civil revision petition filed under section 115 of *The Civil Procedure Code, 1908*, petitioner has challenged the judgment/order dated: 06.11.2023 passed by the learned Additional District Judge-Abbottabad in civil appeal No. 13/6 of 2023, whereby, his application filed for extension of time for payment of balance sale consideration amount in civil appeal No. 40/13 was dismissed.

2. Facts of the case in brief are that the petitioner/plaintiff had filed a suit for specific performance of an agreement dated: 29.05.2013 to the effect that

respondent/defendant may be directed to receive the balance sale consideration amount of Rs. 25,000/- and to attest the mutation in his favor and that the mutation No. 1404 attested on 21.11.2013 by the defendant No.1 namely Sajjad Ahmed in favor of respondent/defendant No.2 namely Hizbullah, is illegal, unlawful and thus in-effective upon his rights. The aforesaid suit was duly contested by the respondents/defendants No.1 and 2 (Sajjad Ahmed and Hizbullah) by filing their written statements. From the divergent pleadings of the parties the learned trial Court framed issues, recorded pro and contra evidence and ultimately, the suit of the petitioner/plaintiff was decreed in the following terms:-

*In the light of above issue-wise discussion, it is held that plaintiff has got cause of action and thus, the suit of plaintiff is decreed subject to payment of the remaining balance amount of Rs. 25,000/-.*

3. The respondents/defendants namely Hizbullah and Sajjad Ahmed being aggrieved of the aforesaid judgment and decree preferred their respective appeals bearing No. 40/13 of

