



EX PARTE

ANSWER OUTLINE



FAREEHA IMDAD

1. Preliminary Note

2. Relevant Provisions:

Order 9 rules 6, 7, 13, and 14

Order 17 rule 2

3. Meaning of Ex parte:

1995 CLC 1102

“The term ex-parte means in the absence of the other party”

4. Ex-parte proceedings-connotation of

5. Essential requirements to proceed ex-parte u/order 9 rule 6/ proceedings where defendant fails to appear after due service of summons:

- i. Suit is called for hearing:
2004 CLC 1016
- ii. Appearance of plaintiff
- iii. Failure of defendant to appear
- iv. Due service of summons

6. Setting aside of ex parte proceedings:

- i. Appearance before the court
- ii. Appearance before passing of decree
2009 CLC 1039
- iii. Assign good cause
- iv. Scope/ applicability of Rule 7
- v. Appeal

7. Meaning of Ex parte Decree

Rule 6(1)(a)

8. Essential requirements of Ex parte decree:

- i. In furtherance of ex parte proceedings
1998 CLC 1638
- ii. Failure of defendant to appear
- iii. Production of evidence by plaintiff
- iv. Discretionary power of court

9. Setting aside/ remedy against ex parte decree u/ order 9 rule 13:

- I. Written application

- II. Court to which application should be submitted
- III. Grounds for setting aside ex parte decree
 - i. Summons not duly served
 - ii. Defendant was prevented by sufficient cause

10. Effect of setting aside

11. Dismissal of setting aside application

12. Limitation

13. Revision

14. Notice to opposite party

15. Other remedies against an ex parte decree:

- i. Application under 9 rule 13
- ii. Review u/sec 114
- iii. Appeal u/sec 96
- iv. Application u/sec 12(2)
- v. An application for rehearing of matter on the ground of violation of the principles of natural justice should be entertained.
- vi. Revision u/sec 115
- vii. Inherent powers of a court u/sec 151

16. Conclusion