

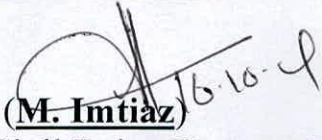
Or-----04  
16.10.2019

محمد رحیم، رسول گل وغیرہ بنام عظیم اللہ وغیرہ 2

*Mr. Muhammad Rahim, Mr. Eid Muhammad Gul, Haji Rehman along with their counsel Mr. Ihsan Ullah Khan advocate present. Mr. Sher Wali Khan, Mr. Fazal Hameed and Mr. Haji Malal for the defendants present.*

Perusal of file reveals that last order sheet of Erstwhile political administration recorded was on 20-04-2017 and last record on case file is رائے جرگہ ممبران which is dated 15-05-2017. Then after case file is completely silent about the proceedings.

Both parties seek time for engaging counsel and looking for record. Granted. File to come up for the same on 23-10-2019.

  
(M. Imtiaz)  
Civil Judge-II,  
Orakzai  
Muhammad Imtiaz  
Civil Judge/JM-II  
Orakzai at (Babar Mela)

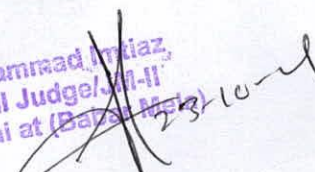
Or-----05  
23.10.2019

*Mr. Muhammad Rahim, Mr. Eid Muhammad Gul, Haji Rehman and Rasool Gul along with their counsel Mr. Ihsan Ullah Khan advocate present. Azeem ullah, Abdul Latif, Shakir Ullah, Fazal Hameed, Mian Khan and Sami Ullah Khan for defendants present.*

1. Perusal of file reveals that matter in issue is disputed property between two tribes qoum Mishti and qoum Sheikhan of District Orakzai. Case file in hand in nothing more than miscellaneous application <sup>23-10-19</sup> while both parties, During the time of Erstwhile political administration case was proceeded as per then prevailing laws. The last order sheet of Erstwhile political administration recorded was on 20-04-2017 through which then learned APA L/Orakzai summoned the elders for 27-04-2017, and last document record on case file is رائے جرگہ ممبران which is dated 15-05-2017. Meaning thereby that matter in issue is still pending and not decided so far.

2. I have gone through the case file and apart from the nature of suit/claim, cause of action, necessary and proper parties, documents of reliance it is even difficult to locate the position of the parties whether they are plaintiffs, defendants or Performa defendants. Even counsel for so called plaintiffs submitted an application withdrawal of the suit with permission to file fresh suit. As per above discussion case file in hand suffers from legal and factual defects. Hence file in hand is here by dismissed as withdrawn with permission to file fresh suit as per law. Case file in hand be consigned to record room after necessary completion and compilation.

**Announced.**  
23-10-2019

  
Muhammad Imtiaz,  
Civil Judge/JM-II  
Orakzai at (Babar Mela)  
(M. Imtiaz)  
Civil Judge-II,  
Orakzai