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Case No. 03/12

Case title: Abdul Qayum etc VS Hashim Khan etc

In the name of almighty Allah who has unlimited jurisdiction over and beyond the universe.

IN THE COURT OF BAKHT ZADA
ADDITIONAL DISTRICT JUDGE-I, ORAKZAI
AT BABER MELA

CIVIL REVISION NO. : 03/12 OF 2024
DATE OF ORIGINAL INSTITUTION : 06.03.2024
DATE OF TRANSFER IN : 27.11.2024
DATE OF DECISION : 23.04.2025

1. ABDUL QAYUM S/O BAKHTIAR ALI
 2. RAFI ULLAH S/O DIN AKBAR
 3. KHOSHRANG KHAN S/O FAZAL UR REHMAN
- ALL R/O QAUM SHEIKHAN, TAPA SAMOZAI, TEHSIL LOWER, DISTRICT ORAKZAI.

.....(PETITIONERS)

-VERSUS-

1. HASHIM KHAN S/O ABID GUL
2. ZAR KARIM
3. MUHAMMAD KARIM
4. JAMSHID
5. SAID KARIM
6. ZIA UL HAQ
7. LAL JAMALA D/O DIN MUHAMMAD KHAN
8. UTMAN KHELA D/O DIN MUHAMMAD KHAN
9. BASEERA JAN D/O DIN MUHAMMAD KHAN
10. MEM JAMALA D/O DIN MUHAMMAD KHAN
11. RUSTAM BIBI D/O DIN MUHAMMAD
12. ASHRAF KHAN S/O ABDUL SHAKOOR
13. ABDUL RAZIQ S/O ABDUL SHAKOOR
14. MUHAMMAD RAZIQ S/O ABDUL SHAKOOR
15. IRSHAD KHAN S/O ABDUL SHAKOOR
16. IMTIAZ S/O ABDUL SHAKOOR
17. SHAH AYAZ S/O ABDUL SHAKOOR
18. FAYAZ KHAN S/O ABDUL SHAKOOR
19. NOOR SHAH S/O ABDUL SHAKOOR
20. ABDUL KAREEM S/O ABDUL QAYUM
21. JAN ALAM S/O ABDUL QAYUM
22. ZUBAIDA D/O ABDUL QAYUM
23. IMTIAZ S/O ABDUL SHAKOOR
24. ABDUL WADOOD S/O MANAN KHAN
25. GHULAM SADIQ S/O MANAN KHAN
26. MUHAMMAD AYUB S/O MANAN KHAN
27. JAHANZAIB S/O MANAN KHAN
28. MUHAMMAD RIAZ
29. MUMTAZ
30. ADIL
31. AMIR SULTANA D/O DILAWAR KHAN
32. BIBI FOZIA D/O DILAWAR KHAN
33. TAHIRA BIBI D/O DILAWAR KHAN
34. DIL NAZA D/O DILAWAR KHAN

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23-4-25

BAKHT ZADA

Addl: District & Sessions Judge
Orakzai at Hangu

35. SYED JAMAL S/O MEERZA GUL
36. ANWAR
37. SHEHNAZ BEGUM D/O HUSSAIN KHAN
38. BIBI HADIA D/O HUSSAIN KHAN
39. FARZANA D/O HUSSAIN KHAN
40. AMAN ULLAH S/O ABID GUL
41. KHAN RASOOL S/O DIN MUHAMMAD
42. MUHAMMAD AYAZ S/O ABDUL SHAKOOR
43. INTIKHAB ALAM S/O ABDUL QAYUM

ALL R/O CASTE SHIEKHAN, DRAN, TEHSIL LOWER, DISTRICT
ORAKZAI

.....(RESPONDENTS)

JUDGEMENT

23.04.2025

The instant Civil Revision is filed against the impugned judgment order and dated 29.02.2024 of the learned Civil Judge-I, Orakzai vide which the said court has accepted application u/s 12 (2) CPC and after framing of issues direction for recording evidence has been issued.

(2). According to the petitioners, application u/s 12 (2) CPC of respondents No. 1 to 39 has been accepted and direction for recording evidence has been issued. It is alleged that the impugned order is defective, self-contradictory and the learned trial court has not mentioned any legal reason for the same.


(3). Arguments of the learned counsel for the parties heard and available record perused. While perusing the impugned order, this court pointed out that in fact there is a typographical mistake in the said order and instead of word "*admitted*" word "*accepted*" is written by the learned Judge. The crux of the whole order of the learned trial court, shows that in fact the application u/s 12 (2) CPC has been fixed for pro and contra evidence and the same is still under pending adjudication. At this stage, learned counsel for the

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Addl. District & Sessions Judge-1,
Orakzai at Harigu

petitioners requested that the said correction may be made and thereafter the case be sent back to the trial court for recording evidence in accordance with law. As the application u/s 12(2) CPC is still pending adjudication and the same has been fixed for recording evidence; therefore, word "accepted" in the impugned order be replaced by word "*admitted*". The instant Civil Revision is disposed of accordingly. Moharrir is directed to make the requisite correction with red ink with reference to this order. No order as to cost.

- (4). Requisitioned record along with copy of this order be sent to the learned trial court for further proceedings in accordance with law for 25. 04.2025. Parties are directed to appear before the said court on the date fixed. Record of this court be consigned to record room within the stipulated time.


Announced
23.04.2025


(Bakht Zada)
Addl: District Judge-I, Orakzai
at Baber Mela

CERTIFICATE

Certified that this judgment consists of three (03) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 23.04.2025


(Bakht Zada)
Addl: District Judge-I, Orakzai
at Baber Mela