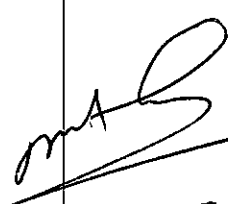


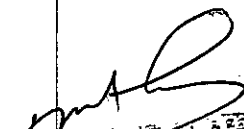
FORM "A"
FORM OF ORDER SHEET


IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI

Serial No. of Order of Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or Counsel where necessary.
1	2	3
Order No. 05	10.02.2025	<p>Parties alongwith counsel present.</p> <p>Vide this order the Court intends to dispose of instant application filed by defendant for rejection of plaint under Order VII, Rule 11 C.P.C.</p> <p>Arguments already heard and record perused.</p> <p>Perusal of the record and valuable assistance of both the learned counsels for the parties would reveal that defendant/petitioner no. 01 through instant application had alleged that respondent has got no cause of action. Petitioner no. 01 further alleged that respondent/plaintiff had previously filed another suit no. 31/1 of 2023 titled as "Taj Muhammad Vs Abdul Manan" before this Court against the same property, same parties and with same cause of action. Petitioner furthermore stated that the agreement deeds dated 15.11.2020 and 30.01.2019 are genuine while respondent is concealing the true facts from the Court. Lastly requested for acceptance of application.</p> <p>Contrary to this, respondent stated that he has got a cause of action. Further stated that both the suits are pending before the court, one is declarative suit and other is for elimination and cancellation of agreement deed dated 15.11.2020 and 30.01.2019. Thus, both the suits are of different nature. While, petitioner no. 01 has no concern with the suit property. Lastly, requested for dismissal of the application with cost.</p> <p>Perusal of the record would reveal that admittedly the present respondent/plaintiff has a filed a prior suit</p>


MUHAMMAD JUNAID ALAM
 Civil Judge / JM-II
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Continued Order---05	10.02.2025	<p>no.31/1 of 2023 titled as "Taj Muhammad vs Abdul Manan" before this court, which is still pending and is fixed for today. Perusal of said prior suit would reveal that same has been instituted for declaration cum perpetual injunction and recovery of possession. Perusal of both the instant suit as well as prior suit would reveal that the present petitioner no. 01 is party to that very earlier suit and hence, in case if, the earlier suit is decreed in favor of present respondent and accordingly the deeds dated: 15.11.2020 and 30.01.2019 would be infructuous. Furthermore, parties in both the prior as well as instant suit are one and the same. Moreover, as for as the subject matter of both the suits in question is concerned, it is pertinent to mention here that prior suit bearing no. 31/1 of 2023 was filed in respect of the property situated at Feroz Khel. On the other hand, perusal of the instant suit would reveal that the same has also been filed in respect of property at Feroz Khel, hence the subject matter in the prior suit as well as the instant suit is also one and the same.</p> <p>Moreover, during the course of arguments and perusal of the record it was also revealed that the present suit is not maintainable in its present form on the following grounds:</p> <ol style="list-style-type: none"> 1. The agreement deeds dated 30.01.2019 & 15.11.2020 whose cancellation has been sought in prayer Alif of the plaint, have not been annexed with the plaint. 2. The suit is mainly for cancellation of above mentioned deeds, but in the prayer Bay the


 MUHAMMAD JUNAID TALAB
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Continued Order---05	10.02.2025	<p>plaintiff has sought permanent injunction regarding unknown property situated near the house of plaintiff.</p> <p>3. Proper description of the suit property has not been mentioned in the plaint.</p> <p>4. The suit is bad for mis-joinder as defendant no. 02 i.e. District Police Officer, Orakzai has been made party to the suit for unknown reasons.</p> <p>In light of the above discussion, the application for rejection of plaint is hereby allowed and suit in hand is hereby rejected under Order VII Rule 11. No order as to costs. File be consigned to the record room after its necessary completion, compilation and scanning.</p> <p><u>Announced</u> 10.02.2025</p> <p style="text-align: right;">  Muhammad Junaid Alam, Judicial Magistrate -II, Tehsil Court Kalaya, Orakzai </p>
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