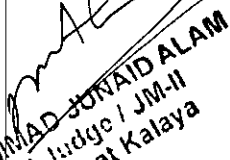


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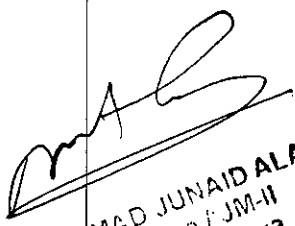
**FORM "A"**  
**FORM OF ORDER SHEET**


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. 13	15.02.2025	<p>Parties alongwith counsel present.</p> <p>Today the case was fixed for arguments on maintainability. Arguments on behalf of plaintiffs counsel heard at length. During the course of proceedings, it was revealed that the present suit is not maintainable in its present form and this court lacks the jurisdiction to try this case.</p> <p>Vide this Court intends to dispose of the question with regard to maintainability of instant suit.</p> <p>Perusal of the record would reveal that plaintiffs filed instant suit for declaration cum permanent injunction in respect of suit property consists of vast area at Gul Dara claiming that they are owners in possession of the same since the time of their predecessors. Plaintiffs have further stated in their plaint that the graveyard of their predecessors also exists in the suit property. They further stated that Jirga was conducted between the predecessors of the parties in the year 1989 and predecessor of defendants had acknowledged the rights of plaintiffs. Moreover, plaintiffs stated in their plaint that previously they had given one part of the suit property and one house on ijara vide agreement deed dated 01.01.2006. Furthermore, plaintiffs stated in their plaint that vide</p>

  
**MUHAMMAD JUNAID ALAM**  
 Civil Judge / JM-II  
 Orakzai at Kalaya

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Continued.... Order No. 13	15.02.2025	<p>agreement deed dated 09.12.2019 that they had sold one share situated at Sultanzai near Gul Dara to one Shahzad Khan the uncle of defendants. Furthermore, and lastly stated that defendants have no right to claim ownership and possession of the suit property. However, there are many legal lacunas in the suit which are as follows:-</p> <p>1. When the suit was instituted seven persons has claimed over the suit property as their ownership but later on three persons admitted the stance of defendants that the suit property was the ownership of plaintiffs and recorded their statements which are already placed on file. Therefore, the suit is not maintainable as that how a suit property of seven persons divided into seven shares be decreed to four persons in four shares in case succeeds. The shares are disturbed which means the claim in the suit is false one.</p> <p>2. In the prayer A, the plaintiffs have claimed only themselves as owners in possession of the suit property, but on the other hand they shown their ownership and possession over the whole village of Gul Dara by excluding the whole population of the Gul Dara village.</p> <p>3. Full description of the suit property has not been mentioned in the plaint in order to properly identify it.</p>

  
 MUHAMMAD JUNAID ALAM  
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Continued.... Order No. 13	15.02.2025	<p>Presence of any structure in the shape of houses, shops and roads has not been given in the description of the property. Similarly, the form of land e.g. agricultural land, residential land and commercial land etc has not been given in the description of the property. Prayer A of the plaint supposes that the suit land is a single piece and square in shape as only four boundaries are mentioned in the plaint. But, during the arguments it was revealed that the suit land consists of many fields, houses, pathways and water channels etc. Since, proper description of the suit property has not been given in the plaint, therefore, the suit is not maintainable in the present form.</p> <p>4. All the interested/necessary parties have not been impleaded in the suit. The suit is bad for non-joinder of the all the necessary parties.</p> <p>In light of what has been discussed above, instant suit is hereby dismissed being not maintainable. No order as to costs. File be consigned to the record room after its necessary completion and compilation.</p> <p><b><u>Announced</u></b> <b>15.02.2025</b></p> <p style="text-align: right;">   <b>Muhammad Junaid Alam,</b>  Civil Judge-II  Tehsil Courts, Kalaya Orakzai </p>