

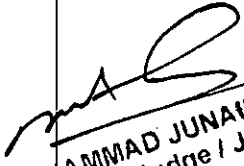
FORM "A"
FORM OF ORDER SHEET

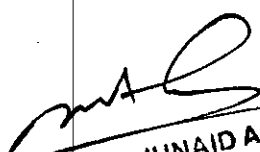
IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI

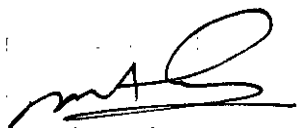
Serial No. of Order of Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or Counsel where necessary.
1	2	3
Order No. 25	08.02.2025	<p>Parties alongwith counsel present.</p> <p>Today the case was fixed for conferencing, scheduling and case management and reconciliation between the parties. Both the parties alongwith their counsels were heard at length during the conferencing and reconciliation proceedings. 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 during the case management and scheduling conference.</p> <p>In the light of perusal of the record it is clear that plaintiffs filed instant suit for declaration cum permanent injunction in respect of suit property measuring approximately 100 acres and the plaintiff contended in their plaint that the suit property is the joint un divided ownership of parties to suit and other Ramdani Tabber/family members. Plaintiffs further stated in their plaint that defendants have no right to claim ownership and possession of the joint un divided suit property. As the suit property is joint and undivided property of Ramdani tribes and everyone has right on every inch of</p>


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

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Continued.... Order No. 25	08.02.2025	<p>suit property. However, there are many legal lacunas in the suit which are as follows:-</p> <ol style="list-style-type: none"> 1. Prayer A of the plaint is not clear that what kind of decree the plaintiffs are demanding from the Court. Similarly, Prayer D of the plaint is also incomplete and un-specified. Therefore, an ambiguous decree cannot be granted. 2. In the prayer A the plaintiffs have claimed only themselves as owners in possession of the suit property, but on the other hand in the Para 3 of the suit they have stated that the suit property is the joint ownership of both the parties as well as the whole Ramdani Tabbar/family. Thus, there is contradiction in the plaint. 3. Full description of the suit property has not been mentioned in the plaint in order to properly identify it. 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


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	 MUHAMMAD JUNAID ALAM Civil Judge / JM-II Orakzai at Kalaya	<p>mentioned in the plaint. But, during the conferencing 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. The share of the parties has not been determined. That how much share each plaintiff is claiming. Similarly, it is also not mentioned that how much shares of the suit property devolved upon them from their predecessors. Hence, suit for possession through partition i.e. Prayer B of plaint is not maintainable.</p> <p>5. According to the plaint the suit property have the joint ownership of Ramdani Tabbar/family. While according to the parties this suit land consists of fields, and vast area of jungles and shamilat etc. Therefore, this court does not have the jurisdiction to entertain the suit as the case in hand comes under the jurisdiction of Revenue Courts as per Land Revenue Act.</p> <p>6. 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 i.e. all the family members of Ramdani Tabbar.</p> <p>In light of what has been discussed above, instant suit is</p>

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		<p>hercby dismissed being not maintainable. The parties are advised to approach the proper forum of Revenue Courts for redressel of their grievances i.e. partition of the suit property. No order as to costs. File be consigned to the record room after its necessary completion and compilation.</p> <p><u>Announced</u> 08.02.2025</p> <p style="text-align: right;">  <u>Muhammad Junaid Alam,</u> Civil Judge-II Tehsil Courts, Kalaya Orakzai </p>