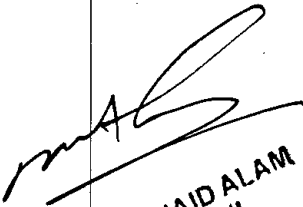


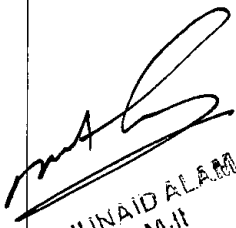
FORM "A"
FORM OF ORDER SHEET

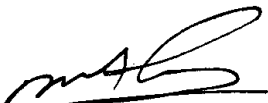
IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE/CJ-II, KALAYA ORAKZAI

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. 07	22.07.2025	<p>Parties present.</p> <p>Vide this order this court is intend to dispose of instant application for rejection of plaint under Order VII, Rule 11 C.P.C.</p> <p>Arguments on application for rejection of plaint on behalf of counsel for defendants heard. Written arguments on behalf of plaintiff submitted.</p> <p>In the light of perusal of the record and valuable assistance of both the learned counsels for the parties, this court is of the humble view that as for as application for rejection of plaint is concerned, it is pertinent to mention here that defendants through said application had alleged that the suit in hand is not maintainable being hit by res judicata. That plaintiff has got no cause of action, and suit is bad in light of order 6, rule 2,3,4 of the CPC. Moreover, plaint does not disclose any cause of action and that very suit in hand is time barred. Counsel for plaintiffs denied the stance of defendants and submitted his reply to this effect.</p> <p>Perusal of the record would reveal that present suit was filed by Syed Ameer Gul etc vs Shah Faisal, however, previously Syed Sheraz Gul had filed a suit against Shah Faisal etc on the same property before competent forum which was dismissed by this court under order VII Rule 11 CPC vide order dated: 25.10.2023 which shows that the present suit is hit res judicata. Furthermore, plaintiff have not got cause action as suit of the same property</p>


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Continued Order---07	22.07.2025	<p>was dismissed.</p> <p>In the light of perusal of the record it is clear that plaintiff filed instant suit for declaration cum permanent injunction in respect of suit property measuring approximately 1200 Kanal and the plaintiff contended in his plaint that the suit property is the ancestral ownership of plaintiff. Plaintiff further stated in his plaint that defendants have no right to claim ownership and possession of the suit property. As the suit property is the ancestral ownership of the plaintiff alongwith other. However, there are many legal lacunas in the suit which are as follows: -</p> <ol style="list-style-type: none"> 1. In the prayer A the plaintiff has claimed only himself as owner in possession of the suit property, but on the other hand in the head note of the suit he stated that the suit property is the joint ownership of plaintiff and others. Thus, there is contradiction in the plaint. 2. 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, Graveyard, stream, Ziarat Panjtan Pak, Masjid and Imam Bargah has not been given in the description of the property. Plaintiff mentioned 18 houses, but he did not specifically mention the description of the houses. Furthermore, plaintiff cannot legally claimed ownership of Wafaq property such as Masjid, Imam Bargah and Ziarat etc as per Waqaf act. 3. Plaintiff in the head note of the plaint stated that suit property is his ancestral ownership alongwith others parties but neither he disclosed names of the parties nor


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Continued Order---07	22.07.2025	<p>share of the parties has 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.</p> <p>4. According to the plaint the plaintiff has not shown lineage of the ancestral ownership to the suit property as other legal heirs have not been made party to the suit. Thus declaration for unknown person/parties cannot be sought. Pedigree table is also not place on file.</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 and suit is also not maintainable as dismissed above. Therefore, dismissed accordingly. No order as to costs.</p> <p>File be consigned to the record room after its necessary completion and compilation.</p> <p><u>Announced</u> 22.07.2025</p> <p style="text-align: right;">  Muhammad Junaid Alam Civil Judge-II Kalaya Orakzai </p>