



**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.
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Order No. 06	02.09.2025	<p>Parties alongwith counsels present.</p> <p>Vide this order this Court intends to dispose of instant application, filed by the defendants under Order VII, Rule 11 C.P.C. for rejection of plaint.</p> <p>Arguments heard and record perused.</p> <p>Perusal of the record would reveal that petitioner no.01/defendant no. 01 through instant application stated that respondent/plaintiff have got no cause of action. Further stated that defendant no. 03 to 05 have been unnecessarily impleaded as parties in the instant suit, from whom no relief has been sought. Furthermore, the claim of plaintiff/respondent is time barred and has not annexed an application for condonation of delay. The instant suit also comes under the ambit of Res-Judicata as a second suit on the same subject matter and between the same parties. Lastly requested for acceptance of application.</p> <p>Contrary to this, respondent/plaintiff stated that he has got a cause of action. Further stated that he is the legal owner of alleged vehicle i.e. tractor. Furthermore, defendant no. 02 prepared all the fake and forged stamp</p>

  
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Continued Order---06	02.09.2025	<p>paper and documents of the alleged tractor therefore, they are impleaded. Lastly, requested for dismissal of the application with cost.</p> <p>Perusal of the record and during the course of arguments, it was revealed that the alleged vehicle i.e. tractor was registered in the name of respondent/plaintiff in the year 2023, whereas, respondent/plaintiff has alleged that his tractor was snatched on gunpoint by defendant no. 01 from the defendant no. 03 i.e. driver of plaintiff some twenty years ago. And now after 20 years the plaintiff has transferred the alleged tractor in his own name. It is pertinent to mention here that respondent/plaintiff registered an FIR bearing no. 17 dated 02.05.2023 under section 381A/411 Pakistan Penal Code, 1860 police station Kuraiz Boya against the petitioner/defendant no. 01 for snatching the alleged tractor in the year 2003. Record shows that the respondent/plaintiff Gul Zali Khan was acquitted from the charges levelled against him as the plaintiff could not prove his case. And the same stance of stealing the tractor has also been taken in the instant civil case. It is also worth mentioning here that Excise &amp; Registration Department Motor Registering Authority Kohat had produced documents</p>

  
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Continued Order---06	02.09.2025	<p>regarding the alleged tractor, which shows that the said tractor was legally transferred to petitioner no.01/defendant no. 01 Gul Zali Khan. It is also pertinent to mention here that defendant no. 02 Secretary Motor Registration Authority Kohat (MRA) also denied the stance of plaintiff regarding fake and bogus documents prepared by defendant no. 01 Gul Zali Khan.</p> <p>Record also shows that there had been a civil case in the court of Civil Judge, Kohat, regarding the same subject matter and same parties. Therefore, the instant suit comes under the ambit of Res-Judicata.</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 CPC. No order as to costs.</p> <p>File be consigned to the record room after its necessary completion, compilation and scanning.</p> <p><b><u>Announced</u></b> <b>02.09.2025</b></p> <p style="text-align: right;">   <b>Muhammad Junaid Alam,</b>          Judicial Magistrate -II,          Tehsil Court Kalaya, Orakzai       </p>