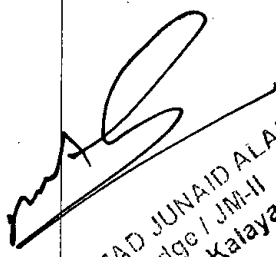



FORM "A"
FORM OF ORDER SHEET

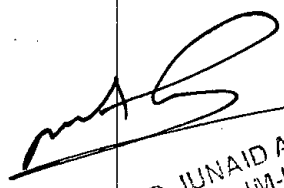
IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI


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. 06	11.10.2025	<p>Parties alongwith counsel present.</p> <p>Today the case was fixed for arguments on maintainability.</p> <p>Arguments on the point of maintainability on behalf of both the counsels for the parties heard.</p> <p>Vide this order the 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 regarding the suit property, wherein it is contended that parties to the suit are resident of Zerra area, which consists of lands and mountains, fully detailed in the headnote of the plaint and to be referred as the suit property; that they have constructed houses there and are occupying the suit property alongwith other inhabitants since the time of their forefathers. That in the pact many disputes have arisen between the parties regarding suit property, which were resolved on 12.06.1982 & 28.01.1993, whereby, not only the rights of the plaintiffs were acknowledged and determined but they were also held equally entitled to the extent of 1/3rd share in profit and loss of the produce of the land i.e. suit property. Furthermore, plaintiffs stated in their plaint that they are entitled to the</p>


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Continued.... Order No. 06	11.10.2025	<p>that what kind of decree the plaintiffs are demanding from the Court. Similarly, Prayer <i>Jeem</i> of the plaint is also incomplete and un-specified. Therefore, an ambiguous decree cannot be granted.</p> <p>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, 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 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>3. 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 area of Zerra, Orakzai by excluding the whole population of the Zerra village.</p>


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		<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>5. The prayer "Bay" is regarding the recovery of amount regarding the acquisition of land made by the Government for construction of F.C Fort. According to Land Acquisition Act this matter come under the jurisdiction of Referee Court. According to land Acquisition Act this matter comes under the jurisdiction of Referee courts. Therefore, the instant Civil Court lacks the jurisdiction to entertain and adjudicate upon the instant matter.</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><u>Announced</u> 11.10.2025</p> <div style="text-align: right;">  <u>Muhammad Junaid Alam,</u> Civil Judge-II Tehsil Courts, Kalaya Orakzai </div>