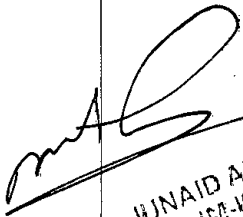


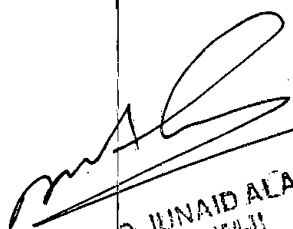
FORM "A"  
FORM OF ORDER SHEET

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

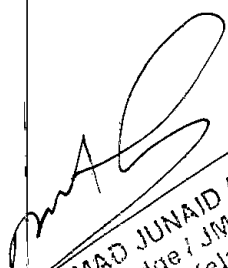
Serial No. of Order of Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or Counsel where necessary.
1	2	3
Order No. 07	18.10.2025	<p>Parties alongwith counsel present.</p> <p>Vide this order the court intend to dispose of instant application filed under Section 12(2) C.P.C. by petitioners Iqtidar Khan and 01 other.</p> <p><b><u>Stance of Petitioners:</u></b> Petitioners have stated in the instant 12(2) C.P.C. petition, that impugned ex-parte decree dated: 12.05.2025 was passed in favour of respondents no. 01 to 15 by the Court and against respondent no. 16 &amp; 17. They further stated that they were not arrayed as necessary party to the said case. That petitioners are owners in possession of the suit property vide agreement deeds dated 07.07.2024 &amp; 29.08.2024. That petitioners purchased the suit property from respondent no. 16 Syed Asnad Hussain and got the possession of the same. Respondents no. 01 to 15 have no concern with the same. Record shows that the petitioners have challenged the decree dated 12.05.2025,</p>

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

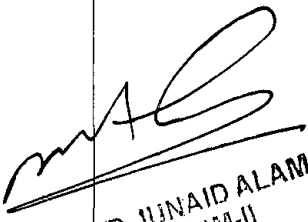
Serial No. of Order of Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or Counsel where necessary.
<p><i>Contind..... order No. 07</i></p>	<p>18.10.2025</p>	<p>passed in Civil Suit No.83/1, on the ground that the said decree was obtained by the decree holder through misrepresentation and concealment of facts for misleading the court. That the decree holder (DH) intentionally concealed material facts from the court and obtained an ex parte decree by making false statements and misrepresentation of facts.</p> <p><b><u>Stance of respondents:</u></b> Contrary to this respondent no. 01 to 15 stated in their reply that the Impugned ex-parte decree dated: 12.05.2025 was passed in accordance with law by the court. Instant 12(2) C.P.C. petition is badly time barred and petitioners have no cause of action. The agreement deeds dated 07.07.2024 &amp; 29.08.2024 are fake and bogus. Therefore, no concealment of facts or misrepresentation has been made before the court.</p> <p>Arguments of both the counsels for the parties heard.</p> <p>Learned counsel for petitioners argued that the decree holder (DH) intentionally concealed material facts from</p>


  
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Contind..... order No. 07	18.10.2025	<p>the court and obtained an ex parte decree by making false statements and misrepresentation of facts. It was further argued that the petitioners had no knowledge of the proceedings of the case and came to know about the same only 10-days prior to the institution of 12(2) petition. The petitioners, therefore, pray that the decree dated 12.05.2025 may kindly be set aside being the result of fraud and misrepresentation.</p> <p>Learned counsel for respondents no. 01 to 15 argued that all the allegations of petitioners are based on fraud and misrepresentation. It was further argued that the application under Section 12(2) CPC has been filed merely to delay the execution proceedings.</p> <p>Perusal of the available record and arguments of the counsel for the parties, would reveal that admittedly present petitioners were not arrayed as party in the suit no. 83/1. Furthermore, the decree holder instituted the suit without disclosing certain material facts which go to the root of the matter. It is also evident from the record</p>

  
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<p><i>Contind..... order No. 07</i></p>	<p>18.10.2025</p>	<p>that the petitioners were not even served with notice of the local commission proceedings, yet the decree holders represented to the court that they were the sole owners of the suit property. Therefore, the material facts were concealed. Court is of the opinion that the conduct of the decree holders throughout the proceedings reflects that they misled the court by concealing true facts. It is a settled principle of law that a decree obtained by fraud or misrepresentation is a nullity in the eyes of law and cannot be allowed to stand. In the present case, the documentary record and surrounding circumstances lead to the irresistible conclusion that the decree dated 12.05.2025 was indeed obtained through misrepresentation, concealment of facts and misleading statements by the decree holders. In view of the above discussion and findings, this court is of the firm view that the petitioners have successfully established that the impugned decree was obtained through misrepresentation concealment of facts and by misleading the court. Accordingly, the application under Section 12(2) CPC is accepted, and the decree dated 12.05.2025 is hereby set aside. The matter shall be restored to its original number for decision on merits</p>

  
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<i>Contind..... order No. 07</i>	18.10.2025	<p>after affording opportunity of hearing to both parties.</p> <p>The petition under Section 12(2) CPC stands accepted.</p> <p>The ex-parte decree dated 12.05.2025 is set aside.</p> <p>Moharrir is directed to implead the petitioners named above in the column of defendants in case No. 83/1of 2023, titled as Syed Shams Abbas and others Vs Syed Asnad Hussain and other with red ink. To come up for further proceedings on 08.11.2025, while instant file of 12(2) petition be consigned to the Record Room, Orakzai after its proper completion and compilation.</p> <p><u>Announced in open court:</u></p> <p>18.10.2025</p> <div style="text-align: right;">   <b><u>Muhammad Junaid Alam</u></b>            Civil Judge-II,            Tehsil Courts, Kalaya, Orakzai         </div>