


COURT OF SENIOR CIVIL JUDGE/JM, ORAKZAI AT BABER MELA

Case Title: Jahangir Shah Vs Moeen Shah etc.

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 69	20.11.2025	<p>Plaintiff through counsel present along with counsel present. Defendants through special attorney along with counsel present.</p> <p>Today, the case was fixed for arguments on maintainability but counsel for plaintiff submitted application for withdrawal of the suit with permission to file a fresh one alleging that there are incorrect and incomplete averments in the plaint which amounts to formal defect in the suit and suit will ultimately fail by this reason of formal defect. Counsel for defendants marked no objection on acceptance of application.</p> <p>Order XXIII, Rule 1 CPC empowers the plaintiff to withdraw his suit at any time after the institution of the suit with permission to file a fresh one subject to formal defect and subject to satisfaction of the court. There are incorrect and incomplete averments in the plaint.</p> <p>Keeping in view formal defect in the suit and no-objection on the application hence, application is hereby accepted. Resultantly, suit in hand is dismissed as withdrawn with permission to file a fresh one subject to all legal limitations.</p> <p>File be consigned to record room after necessary completion and compilation.</p> <p><u>Announced.</u> 20.11.2025</p> <p> Ijaz Mahsood Senior Civil Judge, Orakzai (at Baber Mela)</p>