

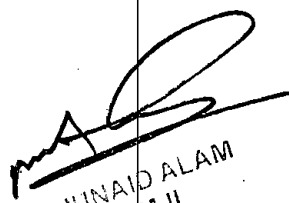
FORM "A"

FORM OF ORDER SHEET

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

Case Title: _____ Vs _____

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 46	25.11.2025	<p>Parties alongwith their counsels present. Today, the case was fixed for arguments on application for production of additional witnesses. Arguments heard and record perused. Brief facts of the plaint are that the plaintiffs belong to District Orakzai, Qoum Stori Khel, Tappa Tazi Khel and defendants belongs to Qoum Ali Khel and Qoum Sheikhan. That the defendants have illegally and unlawfully occupied the suit property of plaintiffs in Tazi Khel area. That the Suit property was the ancestral property of father of plaintiff namely Abid Ali. Jirgas regarding occupied property between plaintiffs and defendant No.1 to 07 were held which were decided in favour of plaintiffs but the defendants refused to accept the decision of the Jirga and killed father of plaintiff and two brothers belonging to the plaintiff's family. As per the customs of the area, the defendants were expelled from the area and the land was given to the plaintiffs. That the plaintiff No.1 after receiving the suit property went abroad for employment. After that defendants took the advantage and again occupied suit property forcibly, consequently the son of Abid Ali namely Spin Gul contacted the Jirga members about this illegal occupation and armed attack, thereupon</p>


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 Orakzai at Kalaya

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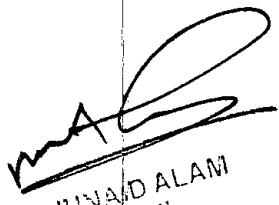
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the Jirga members granted some time to defendants to leave the possession and pay the fine, but they refused. That the defendants are seeking to sell some part of the plaintiffs' ancestral property/land etc. to defendant No. 08 a resident of the area, who belongs to Upper Orakzai. According to the map, the boundaries of the suit property are bounded by the land of Hijab Ali on the east, the land of the plaintiffs on the west, Kohat Road on the north, Zari Gul Auliya Ziarat graveyard on the south and the defendant No.08 who has also deliberately started illegal constructions a few months ago. That if any document is prepared by the defendants during the trial or before trial, shall be fictitious, forged and based on fraud, because any such document has neither been confessed nor affixed by the plaintiffs, nor their thumb impressions are obtained.

Brief Background:

The plaintiff instituted the present suit seeking declaration and consequential reliefs with respect to the fact that the defendants had allegedly murdered the father of plaintiff and two brothers from the family of plaintiffs and on that basis, requested that the undersigned decree the suit in their favour. The court thoroughly examined the plaint, accompanying documents, and the statements made by the learned counsel.


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Observations of the Court:

On scrutiny of the plaint, it has been observed that the description of the suit property has not been properly mentioned. The plaintiffs have failed to specify:

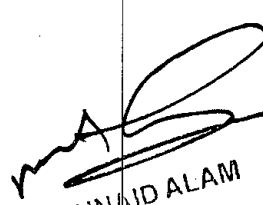
1. Exact boundaries of the suit property,
2. Nature of the property
(agricultural/residential/otherwise),
3. Extent of share of each party in the alleged property,
4. How and when the cause of action accrued,
5. Supporting documentary evidence regarding inheritance and shares i.e. Shajra-e-Nasab etc.

The plaint merely contains generalized statements regarding inheritance without providing mandatory particulars. Under the provisions of **Order VII Rule 3 CPC**, description of immovable property must be clearly and precisely mentioned, failing which the plaint remains vague and uncertain.

The court further notes that neither the specific identity of the suit property nor the share claimed by the plaintiffs is identifiable, which renders the entire suit ambiguous, uncertain, and not maintainable.

Improper Grounds Taken by Plaintiff:

The plaintiff has also pleaded that the defendants allegedly murdered the father of plaintiff and two brothers from the


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family of plaintiff, and therefore, "the suit must be decreed."

This ground is neither recognized by law nor relevant to a civil declaratory suit.

The commission of murder, if any, is a criminal allegation and is subject to separate criminal proceedings under the Pakistan Penal Code and the Code of Criminal Procedure. A civil court cannot decree a suit on the basis of such allegations as it is without jurisdiction.

The plaintiff has not produced:

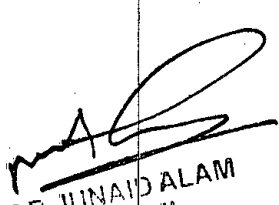
- Any FIR.
- Any judgment of the criminal court, regarding the conviction of the defendants.
- Any documentary evidence showing the involvement of defendants in such offences.

Therefore, such assertions are baseless, unwarranted, and irrelevant to civil proceedings, and cannot be accepted as a ground to pass a decree in favour of the plaintiff.

Lack of Cause of Action and Maintainability:

In addition to the above deficiencies, the plaint does not disclose a clear, enforceable cause of action. The plaintiffs have failed to:

- Specify how the defendants have infringed their legal rights regarding property;


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- Provide title documents proving his ownership or share;
- Show that the property actually exists and is identifiable;
- Establish any illegal act of the defendants pertaining to the disputed property.


Due to the absence of essential particulars, the suit becomes infructuous and misconceived.

Court's Findings:

After evaluating all submissions and examining the plaint, the court arrived at the following findings:

1. The suit lacks mandatory particulars under Order VII Rule 3 CPC, rendering the description of the suit property incomplete and vague.
2. The plaintiffs have failed to specify their shares, boundaries, nature, and exact location of the property.
3. The allegations regarding murder are irrelevant to civil jurisdiction and are unsupported by any admissible evidence.
4. The suit appears to be based on assumptions and accusations rather than substantiated legal rights.
5. The plaint, as framed, does not disclose a valid cause of action and is liable to be rejected/dismissed.

For the reasons discussed above, the present suit is found to be ambiguous, deficient in material particulars, not maintainable, and devoid of cause of action.


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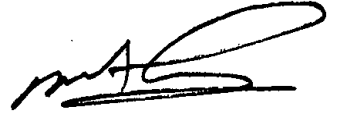
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Accordingly, the suit is dismissed. No order as to costs

File be consigned to record room after its necessary
completion and compilation.



Muhammad Junaid Alam
Civil Judge-II,
Tehsil Courts, Kalaya, Orakzai

