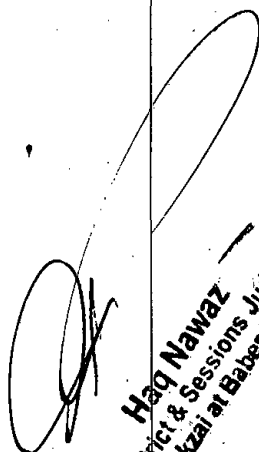
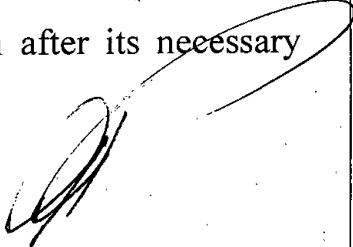


Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge Magistrate and that of parties or counsel where necessary.
1	2	3
Order No.08	09.09.2026	Appellants through counsel present. Respondents No.1 to 4 through counsel present. Counsel for the respondents No. 1 to 4 sought time for arguments due to absence of his senior co-counsel. Granted. Case file be put up for arguments on 23.09.2026.  (HAQ NAWAZ) District Judge, Orakzai at Baber Mela
Order No.09	23.09.2026	Parties along with counsel present. Arguments heard and record perused. This civil appeal was preferred against the order dated 28.02.2026 passed by the Court of Civil Judge, Tehsil Courts Kalaya, whereby Application No. 5/12 (2) neem of 2025 was accepted and judgment and decree dated 10.07.2021 passed in Civil Suit No. 70/1 of 2020 was set aside. After hearing both the parties and perusal of the record, it was found that the respondents/petitioners have alleged in their application u/s 12 (2) CPC that they are joint owners in the decretal property, but they were not made party to the suit and the decree dated 10.07.2021 was obtained through fraud and misrepresentation. The appellants upon his attendance submitted an application for rejection of the application u/s 12 (2) CPC. Whereafter, the trial Court heard arguments and accepted


Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

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IN THE COURT OF DISTRICT JUDGE, ORAKZAI AT BABER MELA

Case Title: Minawar Khan etc VS Habib Ullah 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
		the application u/s 12 (2) CPC through his impugned order. Though the order in question mentions about the submission of written reply by the appellant but no written reply is available on record, rather an application for rejection of the application u/s 12 (2) CPC was moved on 01.11.2025. Similarly, no evidence was taken but the respondents were termed to be joint owners in the decretal property by the trial Court. In view of the above facts, the impugned order is not sustainable in the eyes of law. The appeal is, therefore, accepted. The impugned order is set aside and the application u/s 12 (2) CPC is remanded back to the trial Court to obtain written reply from the appellants against the application u/s 12 (2) CPC and thereafter proceed in the case in accordance with law. The parties are directed to appear before the trial Court on 29.09.2026 for further proceedings. Copy of this order be sent to the trial Court for information and compliance. File of this Court be consigned to record room after its necessary completion and compilation. <u>Announced:</u> 23.09.2026  (HAQ NAWAZ) District Judge, Orakzai at Baber Mela