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IN THE COURT OF DISTRICT JUDGE, ORAKZAI AT BABER MELA

Case Title: Saad Khan **VS** Shehzad Khan 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.05	27.10.2026	Nemo present for the parties. Arguments already heard. The record perused. This civil revision petition was preferred against the order dated 18.08.2026 passed by the Court of Civil Judge, Tehsil Courts Kalaya, Orakzai in Civil Suit No. 15/1 of 2023 whereby application of the respondents No. 6 to 8 for their impleadment in the panel of defendants was accepted. The suit was brought by the respondent No. 1 for declaration of his ownership against the petitioner by claiming that, he is owner in possession of the suit property measuring 50 Jirabs, described with four boundaries in headnote of the plaint, situated at Khan Mela, Orakzai on the basis of Iqrar Nama dated 10.04.2022 executed between the parties. Whereas the petitioner/defendant has got no concern whatsoever with the same. The plaintiff also sought permanent and mandatory injunctions to restrain the petitioner/defendant from making interference in the suit property. During pendency of the trial, the respondents No. 6 to 8 submitted an application under Order 1 Rule 10 CPC for their impleadment in the panel of defendants. It was contested by the petitioner by submitting his written reply. After hearing both the parties, the learned trial Court accepted the application through his impugned order; hence, this revision petition was preferred. The respondents No. 6 to 8 have claimed their ancestral ownership in respect of the suit property and they are in possession of the same and having their residences in the suit land; hence, they were necessary party to the proceedings, but they were not made party to the suit. On the other hand, the petitioner has alleged in his written reply that the suit is based on the Iqrar Nama dated 10.04.2022 executed between the petitioner and respondent No. 1 having no concern with the respondents No. 6 to 8. He further alleged that a similar application has already been dismissed by the trial Court vide

Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

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		order dated 26.06.2024 which was not challenged by the respondents No. 6 to 8; therefore, the present application for impleadment was not acceptable. After hearing both the parties and perusal of the record, it was found that though the suit is based on Iqrar Nama dated 10.04.2022 executed between the petitioner and respondent No. 1, but the respondents No. 6 to 8 allege their ownership with possession of the suit land. So far order dated 26.06.2024 with regard to non-impleadment of the said respondents is concerned, it was passed in the absence of respondents No. 6 to 8; therefore, the question that it was not challenged by them does not arise. Since, the respondents No. 6 to 8 have also alleged their possession upon the suit property having their residential houses over there along with their ownership; therefore, they are necessary party to the proceedings with regard to ownership of the suit property. In view of the above, the learned trial Court has rightly accepted the application of respondents No. 6 to 8 for their impleadment in the panel of defendants. But the respondent No. 1/plaintiff was not directed by the trial Court to submit his amended plaint after the impleadment of respondents No. 6 to 8 and the newly impleaded defendants were directed to submit their written statement without affording any opportunity to respondent No. 1/plaintiff to accept or deny the claim of respondents No. 6 to 8; therefore, the plaintiff is allowed to submit his amended plaint before the trial Court on the next date of hearing whereafter the trial Court shall proceed in the matter in accordance with law. This revision petition, being devoid of merits, is dismissed. Copy of this order be sent to the trial Court for information. File of this Court be consigned to record room after its necessary completion and compilation. **Announced**: 27.10.2026 **(HAQ NAWAZ)** District Judge, Orakzai at Baber Mela