

**Post script:**

24.01.2023

later on, before closing hour, counsel for the plaintiff appeared before the court and argued the aforementioned three applications.

File be put for order on U/O 7 rule 11 CPC, Order 8 Rule 10 CPC and temporary injunction application on date already fixed.

*Sami Ullah*  
**Sami Ullah**  
Civil Judge-I,  
Orakzai (at Baber Mela)

**Order...16**

30.01.2023

1. Parties present.
2. This single order is directed to dispose of three applications;
  - a. Application for rejection of plaint under order VII Rule 11 CPC, filed by petitioners/defendants.
  - b. Application for Temporary Injunction filed by petitioner/plaintiff.
  - c. Application under order 1 rule 8 for representative suit.
3. Brief facts of the case are that plaintiff has filed the instant suit for declaration, permanent injunction and recovery of compensation amount to the effect that the disputed land has been required by deputy collector/DC for construction of police station and compensation of the same has also been determined by the competent authority. That the compensation has wrongly been awarded to defendant No.1 to 7 instead to the Tappa(cast) of the plaintiff. That the defendants be restrained to claim the compensation so awarded. Moreover, the plaintiff seeks

*Sami Ullah*  
**Sami Ullah**  
Civil Judge/JM-I  
Orakzai (at Baber Mela)

(Continued...)

**Order...16**  
**Continued.**  
 30.01.2023

recovery of compensation amount which the defendants have already collected in respect of another landed property acquired for the purpose of construction of telephone exchange.

4. Defendants were summoned, who appeared before the court and submitted their written statement wherein they raised numerous factual and legal objections. Defendants also submitted an application under order VII rule XI, of Civil Procedure Code, 1908, for the rejection of plaint.
5. The plaintiff had earlier filed an application for the grant of Temporary Injunction at the time of institution of Suit, which was put to notice for the defendants to rebut the same.
6. Detail arguments on applications collectively heard and record perused wherein submissions of the parties and case laws referred were considered.

**A. Application for rejection of plaint under order VII Rule 11 CPC, filed by petitioners/defendants.**

7. This application was filed by petitioners/defendants contending that suit of plaintiffs is barred by law and liable to be dismissed. Defendants/petitioners have sought rejection of plaint on the ground that as per the Land Acquisition Act, 1894, the suit of the plaintiffs is barred by law. The application was contested by respondents/plaintiffs.
8. Keeping in view the law on question and facts of the case, the findings of this court are as under. The procedure provided by

(Continued...)

Lawy  
 Ullah  
 Sami Ullah  
 Civil Judge/JM-I  
 Orakzai (Babar Mela)

**Order...16**  
**Continued.**  
30.01.2023

and provides a complete scheme of things as envisaged in section 18, 30 and 52 of the Act Ibid to be followed by aggrieved person. The person so aggrieved from the order/Act of competent authority under the Land Acquisition Act, 1894, is to follow the mechanism provided therein rather than to institute a civil suit in this respect. Reliance is placed on the law provided by the Act ibid and guidance has been taken from 2009 YLR 1402 and 2005 MLD, Lahore 168.


9. The object of exercise of power Under Order-VII, Rule-11 of Civil Procedure Code, 1908, is to bring an end to the incompetent suits at the earliest to avoid wastage of time on account of some legal impediments and full-fledged trial would be futile exercise.
10. Keeping in view the above legal and factual position, it is held that the present suit is barred by the above-mentioned legal provisions. Hence, application for rejection of plaint is **Accepted**. Plaint stands rejected.

**B** **Application for Temporary Injunction.**

**C** **Application under order 1 rule 8 for representative suit.**

11. As plaint is rejected, therefore, both the above-mentioned application need not to be discussed.
12. File be consigned to record room after necessary completion and compilation.
13. Costs to follow the events.

**Announced**  
30.01.2023

  
**Sami Ullah**  
Civil Judge/JM-I,  
Orakzai at Baber Mela.