

Order...20
11.02.2023

Present:

Plaintiff through attorney alongwith counsel.

Defendant No.03 in person.

Today the case was fixed for arguments on application for withdrawal of the instant suit with permission to file a fresh one due to formal defect and inadvertent mistake in the pleadings.


Arguments heard and record perused.

Learned counsel for the plaintiff argued that the stance taken in Para No.03 of the plaint, which was inadvertently inserted by previously engaged counsel for the plaintiff, is inconsistent with overall stance of the plaintiff. That the stance so taken in para-No.03 is not curable by amendment in plaint and is a formal defect which will ultimately result in failure of plaintiff's suit. Moreover, some of the defendants who ought to be inserted as proforma defendants are included as contested defendants in the present plaint. Furthermore, there are some clerical mistakes in the present plaint which although are curable but will be addressed properly in fresh institution.

After hearing of arguments and perusal of record, I am of the opinion that in order to safeguard the rights of the plaintiff and for bringing all the facts before the court for achieving the ultimate end of justice, the application in hand is **Accepted** and the suit of the plaintiff is dismissed as withdrawn with the permission to file a fresh suit subject to the cost of Rs. 10,000/- (Ten Thousand rupees), within one month.

File be consigned to the Record Room after its completion and compilation.

Announced
11.02.2023


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