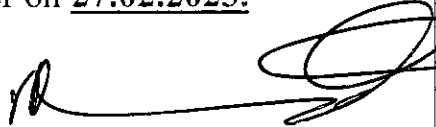


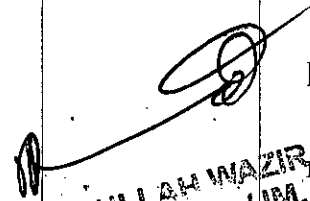
7

**COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA**

1/12/22

Case Title: Asad Ullah VS Asif Shah


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 12	22.02.2023	<p>Presence as before.</p> <p>Arguments of both the counsel heard on the maintainability of the instant petition.</p> <p>File is to come up for order on <u>27.02.2023</u>.</p> <p> (Rehmat Ullah Wazir) Senior Civil Judge, Orakzai (at Baber Mela)</p>
Order No 13	27.02.2023	<p>Presence as before.</p> <p>Through my this single order, I intend to dispose off an application for setting aside the decree/judgment, Dated: 04.08.2021, u/s 12(2) CPC on the ground of fraud and misrepresentation, filed by the one Asad Ullah s/o Muhammad Jameel against the respondents.</p> <p>This application was strongly contested by respondent No. 01 to 04 by filing replication and forwarding arguments thereto.</p> <p>Arguments on maintainability of the present petition were heard and record perused.</p> <p>After hearing of arguments and perusal of the record, I am of the opinion that the impugned decree was granted in favour of the respondents No. 01 to 04 by my learned predecessor in ex-parte vide order No. 20, Dated: 04.08.2021 in a suit file no. 369/1, titled as "Asif Shah etc Vs Mati Ullah" and the same is still intact.</p> <p>Execution Petition was also filed by these contesting respondents which has been duly satisfied and then consigned. The present petitioner have only</p>

  
REHMAT ULLAH WAZIR  
Senior Civil Judge/JM,  
Orakzai at Baber Mela

8

COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

1/12(2) Case Title: Asad Ullah VS Asif Shah 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 13 continued	27.02.2023	<p>alleged fraud and mis-representation on the part of the respondents but have not disclosed the alleged fraud and mis-representation in his petition. He has also not suggested any relevancy through any means available on case file with the property decreed in favour of the contesting respondents. During arguments, the counsel for the petitioner drew the attention of the court towards a document which is Ex.PW-1/2, available in the original case file whereby the name of the one Jameel Khan is mentioned and it was alleged that this was the father of the present petitioner but as per the petition, the name of the father of the petitioner is Muhammad Jameel and not Jameel Khan and no other document in the shape of CNIC etc has been annexed with the petition from which it could be presumed that this Jameel Khan is in fact the one Muhammad Jameel, who is the father of the petitioner.</p> <p>Thus, in the light of the aforesaid findings, the present petition is not maintainable and would be a futile exercise and wastage of the precious time of the court if kept pending, hence, <b>dismissed with costs.</b></p> <p>File be consigned to the record room after its necessary completion and compilation.</p> <p><u>Announced</u> 27.02.2023</p> <p> (Rehmat Ullah Wazir) Senior Civil Judge, Orakzai (at Baber Mela)</p>