


COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELACase Title: Moeen Hassan VS Syedatt Hassan Jan

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 14	23.02.2023	<p>Parties present. The counsel for the plaintiff submitted an application for withdrawal of the instant suit with permission to file a fresh suit on the ground of some formal defect.</p> <p>This application was strongly contested by the defendant by filing replication and forwarding arguments thereto.</p> <p>Arguments heard and record perused.</p> <p>After hearing of arguments and perusal of the record, I am of the opinion that as per the written statement, the suit controversy has already been decided by the then APA, L/Orakzai on 28.11.2017 but the plaintiff have not challenged the said decision in his plaint. Further, the said decision was allegedly in favour of the brother of the defendant, who is dead now but neither he nor his legal heirs have been impleaded by the plaintiff in the column of defendants. Also, as the instant suit is in the stage of plaintiff's evidence which is yet to be recorded. It is a settled principle of law and guidance in the plethora of judgments of the superior courts that all the relevant and necessary facts must be brought before the court for the settlement of the issue once for all and none should be deprived of his rights due to any formal defect in his pleadings which does not affect the merits of the case. Thus, there exists formal defects in the plaint of the plaintiff as discussed above, therefore, the application in hand is accepted and the suit of the plaintiff is dismissed as withdrawn with permission to file a fresh suit with costs.</p> <p>File be consigned to record room after its necessary completion and compilation.</p> <p><u>Announced</u> 23.02.2023</p> <p style="text-align: right;"> (Rehmat Ullah Wazir) Senior Civil Judge, Orakzai (at Baber Mela)</p>