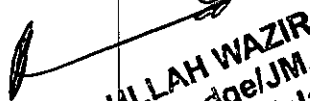


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COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Case Title: Hashim Ali VS Syed Ameer Jan

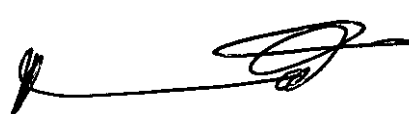
Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 53 Continued	28.02.2023	<p>That the said Muhib Ali advised the plaintiff not to write down any deed because the paternal cousin of the plaintiff namely Ameen Ali have preempted over the same. That after that neither the plaintiff sold out the suit property nor have signed any sale deed and nor have received any amount. That in the meanwhile the paternal cousin of the plaintiff namely Ameen Ali filed an application before the then APA, L/Orakzai, who constituted the jirga and resultantly, the said Ameen Ali was declared as entitled to the suit property vide decision of the then APA, L/Orakzai, Dated: 08.09.2016. That the present defendant challenged the said decision before the Commissioner, Kohat, who also dismissed the appeal. Then the present defendant challenged the order of the Commissioner, Kohat before the FATA Tribunal, which remanded the case back to the trial court. That in the meanwhile the district Orakzai merged and the pending trial was transferred from the then APA now AC, L/Orakzai to the Civil Judge-II, Orakzai, who disposed off the case vide order Dated: 03.10.2019 for being non-maintainable and without any legal force with directions to both the parties to submit their respective pleadings as per the law. That accordingly the plaintiff filed the present suit.</p> <p>Arguments heard and record perused.</p> <p>After hearing of arguments and perusal of the record, I am of the opinion that the name of the present plaintiff is Hashim Ali s/o Moran Ali while the one who filed an application before the then APA, L/Orakzai was Ameen Ali s/o Suleman Ali, admittedly the paternal cousin of the plaintiff, who is also the special attorney for the plaintiff in the present case. It was the said Ameen Ali, whose case was remanded back by the then FATA Tribunal to the then APA, L/Orakzai and then as a result of constitutional amendment, the same case was transferred to the Civil Judge-II, Orakzai, who on the ground of non-maintainability and without any legal force, disposed off</p>


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

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COURT OF SENIOR CIVIL JUDGE ORAKZAI AT BABER MELA

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Order No 53 Continued	28.02.2023	<p>the same with directions to the parties to submit their respective pleadings as per the law. But instead of the said Ameen Ali s/o Suleman Ali, the then plaintiff, the present plaintiff namely Hashim Ali s/o Moran Ali, came forward and submitted the present plaint by availing the said permission of the court, though he was not a plaintiff in the case. Further, admittedly and as per the record, the suit/claim of the one Ameen Ali was a preemption suit in its nature while the present plaintiff has filed a suit for declaration-cum-perpetual and mandatory injunction and possession in the alternate meaning thereby that the nature of the claim has also been changed in addition to the change of the plaintiffs. Further that it is very strange that the said Ameen Ali is also the special attorney for the plaintiff in the present suit.</p> <p>Therefore, in the light of the aforesaid findings, it is deduced that the plaintiff has not come to the court with clean hands and not have acted upon the directions/permission of the court Dated: 03.10.2019 granted for proper pleadings rather he has practiced fraud and nonsense with the court by replacing the plaintiff and by changing the nature of the suit in the garb of the said directions/permission and resultantly, barred by law and non-maintainable. Thus, the application in hand is accepted and the plaint of the plaintiff is hereby rejected with costs.</p> <p>File be consigned to the record room after its necessary completion and compilation.</p> <p><u>Announced</u> 28.02.2023</p> <p style="text-align: right;"> (Rehmat Ullah Wazir) Senior Civil Judge, Orakzai (at Baber Mela)</p>
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