

**IN THE COURT OF SHAUKAT AHMAD KHAN**  
**DISTRICT JUDGE, ORAKZAI (AT BABER MELA)**

CIVIL REVISION NO. : 3/12 OF 2023  
DATE OF INSTITUTION : 04.01.2023  
DATE OF TRANSFER-IN : 08.03.2023  
DATE OF DECISION : 08.03.2023

1. DEPUTY COMMISSIONER, DISTRICT ORAKZAI
2. ACCOUNTANT, DEPUTY COMMISSIONER OFFICE, ORAKZAI  
.....(PETITIONERS)

-VERSUS-

1. KASHMIR KHAN S/O MAJOR ALI BAZ KHAN, CASTE ALI  
KHEL, TEHSIL UPPER, DISTRICT ORAKZAI
2. PROVINCIAL GOVERNMENT OF KHYBER PAKHTUNKHWA  
THROUGH SECRETARY HOME  
..... (RESPONDENTS)

**Present:** District Attorney Fayyaz Ahmad for petitioners.  
: Mudassir Ijaz Advocate for respondent no. 1 present.

ORDER  
08.03.2023

Register. District Attorney Fayyaz Ahmad for petitioners  
present. Mudassir Ijaz Advocate for respondent no. 1 also present.  
Arguments heard.

(2). Impugned herein is the order dated 30.11.2022 of learned  
Senior Civil Judge, Orakzai vide which application of petitioners  
for rejection of plaint under order 7 rule 11 of the CPC has been  
turned down.

(3). As per averments of the plaint, the respondent/plaintiff  
being Incharge Levi Khasadar, Sub Jail Baber Mela, Orakzai  
Headquarter, in pursuance of verbal directions of the then Deputy  
Commissioner Orakzai (petitioner/defendant no. 1) has provided  
food to the inmates of the Sub Jail at the rate of Rs. 140/- per head  
from July to November, 2017, amounting to Rs. 672,840/-, liable  
to be paid by the petitioners/defendants. The suit was contested by  
the petitioners/defendants through a written statement. Issues


Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Mela

firmed and the case was fixed for pro and contra evidence. The petitioners/defendants submitted application for rejection of plaint under Order 7 Rule 11 CPC, reply of which was submitted by the respondent/plaintiff no. 1 and the learned trial court turned down the same. Hence, the present revision petition.

- (3). I heard arguments and perused the record.
- (4). Perusal of case file shows that as per contents of plaint, the respondent/plaintiff has prima facie got a cause of action. Moreover, the petitioners/defendants have already submitted written statement and on the basis of pleadings of parties, issues have been framed and the case is faxed for evidence. Furthermore, the question of limitation is also a mixed question of law and facts which cannot be determined without recording of pro and contra evidence.
- (4). Hence, in view of what is discussed above, it is held that the learned trial court has rightly turned down the application of petitioners/defendants for rejection of plaint. The instant civil revision being devoid of merits is dismissed. Consign. Copy of this order be sent to learned trial court for information.



**Pronounced**  
08.03.2023

  
(SHAUKAT AHMAD KHAN)  
District Judge, Orakzai  
at Baber Mela