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Or-----03
18.07.2019

Mr. Syed Muzahir Hussain advocate on behalf of the plaintiffs present.

Mr. Jabir Hussain advocate on behalf of defendants present.

Perusal of file reveals that instant case was transferred to this Court from the Court of Hon'ble Senior Civil Judge Orakzai as Criminal Under Trial Case U/S 506 PPC. Perusal of file further reveals that Civil Case was culminated into criminal Case and Vice versa.

It is clear from the Case File that an information report No. 1110/APA/L dated: 14/05/2018 was lodged against the parties U/S 141 and 153B PPC read with 40 FCR. Later on Vide judgment dated: 18/05/2018. Both parties were convicted by APA/ADM L/Orakzai as per then prevailing Laws/Rules. And the Criminal Case was disposed of accordingly.

As far as Civil Case is concerned Appeal Court/ Court of Commissioner Kohat, Vide Order dated: 05/10/2018, directed the Trial Court to decide the matter afresh and on its own merits.

Meaning thereby Civil Case is still pending for adjudication.

Meanwhile learned counsel for the plaintiff submitted an application for withdrawal of the suit with permission to file fresh mentioning that instant Case file is suffering from legal and factual defects.

Keeping in view the above circumstances and perusing the case file, application of the counsel for plaintiffs seems genuine and plausible, Hence, accepted. Claim of the plaintiffs is hereby disposed of as withdrawn with permission to file fresh suit as per Law. Case file be consigned to record room after necessary completion and compilation.

Announced
18/07/2019

Muhammad Imtiaz
Civil Judge/JM-II
Orakzai at (Baba Kela)
(M. Imtiaz)

Civil Judge/Judicial Magistrate-II,
Orakzai