

Order No.5

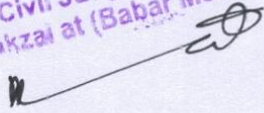
02/07/2019

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plaintiff in person present. The one Shaheen Muhammad Advocate submitted wakalat nama on behalf of the plaintiff and argued the maintainability of the instant suit.

Brief facts of the case that the plaintiff filed the instant suit for recovery of an amount of Rs: 870000/- against the defendant to the effect that the plaintiff belongs to Rabia Khel Tribe but resident of Village Char Bala District Hangu. That the defendant took the aforesaid amount from the plaintiff for the purpose of business some months ago. That later on he refused to pay the same. That the plaintiff file an application in the Court of Assistant Commissioner Upper Orakzai but he after some efforts stated that as the defendant is the resident of District Kohat, therefore he cannot do anything in this respect. That afterwards, the plaintiff filed an application before the District Police Officer Kohat but the same was returned on the ground that as the issue belongs to District Hangu, therefore, the same be filed before DPO Hangu. Accordingly, the application was filed before the DPO Hangu, who marked the same to DRC Hangu, which after some efforts issued a chit/perchi with directions to submit the same before the

Rehmat Ullah Wazir
Civil Judge/JM-I
Orakzai at (Babar Mela)



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SDPO and SHO Kohat concerned, which was done accordingly but of no avail, hence, the present suit.

Arguments heard and record perused.

After hearing of arguments and perusal of the record I am of the opinion that legally a suit can be filed within the jurisdiction of a court where the defendant resides or the cause of action has arisen. Admittedly, the defendant resides within the jurisdiction of District Courts Kohat and further admittedly as per statement of the plaintiff and his counsel at the bar, the suit transaction has taken place in the District Hangu while the instant court has got territorial jurisdiction over the cause of action arising out within the District Orakzai or any defendant residing within the District Orakzai. Thus the crux of the aforesaid discussion is that this court has got no jurisdiction to entertain the present suit. Therefore, the suit in hand is not maintainable in the court of the undersigned, hence, the plaint is returned to the plaintiff the plaintiff may if he wishes, file the instant suit in the courts of either Kohat or Hangu.

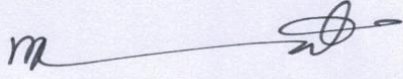
Rehmat Ullah Wazir
Civil Judge/JM-I
Orakzai at Bahar

Moharrir of the court is directed to return the plaint to the plaintiff in original after due legal formalities while place the copy of the same on the concerned register.

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File be consigned to record room after its completion and compilation.

Announced
02/07/2019


(Rehmat Ullah Wazir)
Civil Judge/JM-I,
Orakzai at (Baber Mela)
Rehmat Ullah Wazir
Civil Judge/JM-I
Orakzai at (Baber Mela)