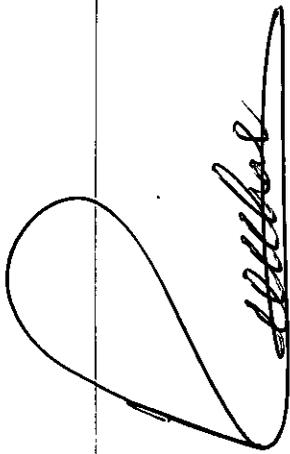


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FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF SYED ABAAS BUKHARI, CIVIL JUDGE/JUDICIAL MAGISTRATE/CJ-II, KALAYA ORAKZAI

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...06	31.05.2023	<p>Plaintiff through counsel present. No one present on behalf of defendant.</p> <p>2. Vide this order I intend to dispose of the instant application filed by defendant, hereinafter referred as petitioner, for rejection of plaint under Order VII, Rule 11 C.P.C.</p> <p>3. Arguments already heard and record perused.</p> <p>4. Now on perusal of the record and able assistance of both the learned counsels for the Parties, this court is of the humble view that petitioner through instant application allege that respondent is resident of District Khyber and thus he had filed the instant suit before wrong forum. Hence prayed that the plaint in hand may kindly be rejected. Contrary to this respondent had alleged that he is permanent resident of district Orakzai since the time of his ancestors and hence he had approached proper forum for redressal of his grievance. In given circumstances, perusal of the photocopies of the CNICs of respondent and his parents, annexed with the plaint, would reveal that their permanent as well as the present address has been mentioned therein as "<i>Shalobar Qambar Khel, Sheikh mal Khel Uchapal post office Bara, Tehsil Bara District Khyber Agency</i>". Furthermore, the CNICs of the father and mother of respondent were previously issued on 04.02.2019 and 16.03.2020 respectively while that of respondent was issued on 17.02.2012, which expired on 17.02.2022. In given circumstances, if the stance of respondents that he is residing in District Orakzai since the time of his ancestors, the question arise that as to why the respondent as well as his parents had not changed their present or permanent address in their respective CNICs while his parents had recently renewed/obtained their CNICs. On the other hand no such other proof or document has been produced by the respondent in support of his stance with regard to his residence within District Orakzai.</p> <p>5. As for as application for rejection of plaint is concerned,</p>

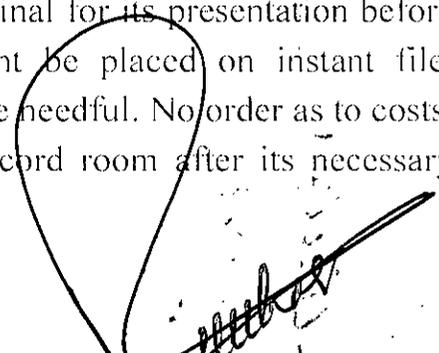


31-05-2023

SYED ABAAS BUKHARI
Civil Judge/JM-II
Tehsil Courts Malaya

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FORM "A"
FORM OF ORDER SHEET
IN THE COURT OF SYED ABBAS BUKHARI, CIVIL JUDGE/JUDICIAL MAGISTRATE/CJ-II, KALAYA ORAKZAI

Continued..... Order 06	31.05.2023	<p>perusal of Order VII, Rule 11 C.P.C would reveal that four conditions had been prescribed for the rejection of plaint, which include (a) where it does not disclose cause of action, (b) where the relief claimed is undervalued, (c) where the plaint is written on the paper insufficiently stamped and (d) where the suit is barred by law. In instant application, the petitioner had alleged that this court has got no territorial jurisdiction, hence the petitioner was supposed to have filed the instant application for return of plaint under Order VII, Rule 10 C.P.C.</p> <p>6. In light of what has been discussed above, the application for rejection of plaint is hereby dismissed being not maintainable. However as this court lacks territorial jurisdiction to entertain the suit in hand the plaint in hand is hereby returned under Order VII, Rule 10 C.P.C to the plaintiff in original for its presentation before proper while copy of plaint be placed on instant file. Moharrir is directed to do the needful. No order as to costs. File be consigned to the record room after its necessary completion and compilation.</p> <p><u>Announced</u> 31.05.2023</p> <p style="text-align: right;"> <u>Syed Abbas Bukhari,</u> Civil Judge-II, Tehsil Court Kalaya, Orakzai</p>
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