


Order No.08 12/10/2019

Parties present. Efforts were made for amicable solution of the suit controversy but failed. The counsel for the plaintiffs argue the maintainability of the suit.

Arguments heard and record perused.

After hearing of arguments and perusal of the record I am of the opinion that admittedly as per plaint the suit controversy has been decided once for all by the then Assistant Political Agent, Lower Orakzai vide his order dated 02/09/2015 and that decision is still intact. Further, the instant controversy has also been decided by the Civil Judge-II, Orakzai as past & closed transaction vide his order dated 16/07/2019, which is annexed by the plaintiffs with their plaint. Thus, in view of the aforesaid findings, the instant suit controversy is something which comes within the ambit decisions made before 25th amendment of the constitution of Pakistan which came into force on 31st May, 2018, whereby the FCR, 1901 was repealed. Thus, the instant suit is something within the ambit of past & closed transaction. Therefore, the plaint of the plaintiff is hereby rejected being non-maintainable. No order as to costs.

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


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