

Or-----03  
05.11.2019

Orakzai

*Mr Fazal Mir Jan along with his counsel Mr Fazal Malik Kaka Kheil  
advocate present.  
Defendant Mr. Gul Payo Khan in person present.*

1. I have heard both the parties and perused the available record.
2. From perusal of the record, it is very much clear that initially case between the parties was decided by then learned APA/ADM Upper Orakzai. Vide order dated: 04.02.2016 in the favor of the present plaintiff. Aggrieved from the order of the learned APA/ADM Upper Orakzai defendants approached to the court of commissioner FCR Kohat Division Kohat wherein appeal of the present defendants being appellants was accepted vide order dated: 30.06.2016 in appeal No. 211/2015. And order of the trial court was set Continued.....

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Civil Judge/JM-II  
Orakzai at (Babar Mela)

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aside with direction to the trial court to proceed further in light of sub section 04 of section 08 FCR.

3. Learned trial court (APA Upper Orakzai) vide order dated: 19.08.2016 in case no. 254/2015 awarded decree in favor of Muhammad Roshan (present defendant) and against the present plaintiff.
4. Aggrieved from the order of learned commissioner APA Upper Orakzai present plaintiffs approached to the FATA Tribunal. FATA Tribunal Vide its judgment in civil revision No. CL/42/08/2016 Dated: 08/01/2018 accepted the revision petition of the present defendants and order of the learned trial court of APA/ADM Upper Orakzai was set aside with direction to constitute .....*new council of elder's new council of elders shall examine the previous verdicts of Jirgas, before reaching at just, and proper conclusion.....*
5. As on today FCR has been abolished and no more in field and there is no Jirga verdict/award in favor of any party and present case file in hand is nothing more than bundle of miscellaneous applications and <sup>copies of</sup> various court orders without any proper claim of the either party which would clearly mention the nature and extent of claim, parties and cause of action. Meaning there by case file in hand suffers badly from factual and legal effects. Hence, Parties are directed to submit their respective pleadings as per Law within time prescribed by the law.
6. In the light of above discussion case in hand file being non-maintainable and without any legal force is hereby disposed of accordingly.
7. Case file be consigned to record room after necessary completions and compilation.

Announced  
05/11/2019

Muhammad Imtiaz  
Civil Judge/JM  
Orakzai at (Babar Melal) 05-11-19  
(M. Imtiaz)  
Civil Judge II,  
Orakzai