

**Order No.07**

**07/11/2019**

Plaintiff alongwith counsel present while no one for the defendant present, hence, placed and proceeded ex-parte.

The counsel for the plaintiff submitted an application for the withdrawal of instant suit with permission to file a fresh suit in the shape of the better statement of the claim of the plaintiff due to some formal defect.

Arguments heard and record perused. After hearing of arguments and perusal of record and as the defendant is ex-parte and have not engaged any counsel and also have not filed better statement of his defense till yet, I am of the opinion that the instant suit filed was transferred in from the Political Administration of the erstwhile FATA on 17/04/2019 and it was a type of an application before the then Political Administration but after the establishment of Civil Courts, a proper plaint, exhaustive in all aspects is necessary for achieving the ultimate end of justice, which cannot be achieved by carrying on with the instant plaint in the shape of an application. Thus, there is a formal defect in the instant plaint, therefore, the application in hand accepted and the suit of the plaintiff is dismissed as withdrawn with the permission to file a fresh suit. No order as to costs.

File be consigned to the Record Room after its completion and compilation.



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