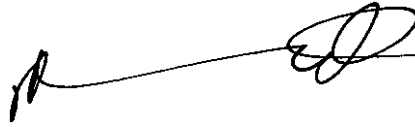


(14)

COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Case Title: Maib Ali VS Islam Gul

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 No 15	30.05.2023	<p>Presence as before.</p> <p>Through my this single order, I intend to dispose off an application for the rejection of plaint u/o 07-R-11 CPC, filed by the defendant against the plaintiff.</p> <p>This application was strongly contested by the other party by filing replication and forwarding arguments thereto.</p> <p>Arguments heard and record perused.</p> <p>After hearing of arguments and perusal of the record, I am of the opinion that the plaintiff has filed the instant suit for recovery of Rs. 12,00,000/- on account of defamation and damage caused to him by the defendant due to a criminal FIR No. 05, Dated: 23.01.2020, U/S 420/468/471 PPC, PS Ghiljo as a result of bogus death certificate prepared by the plaintiff on the information of the defendant. But the present plaintiff and the defendant both were admittedly the accused of the said criminal case but due to scarcity of prosecution evidence, the plaintiff was made approver in the case but even then, the defendant along with others were acquitted vide order No. 26, Dated: 25.11.2021. Also, admittedly the present plaintiff has signed that very death certificate as a Malak according to the legal requirement of that times and a Malak in the Erstwhile FATA was supposed to have knowledge of the facts while signing something as he was not mere a post office rather had been in a responsible position. Luckily they all got acquitted on account of deficiency in prosecution evidence, then how he claim damages for a wrong jointly done by the parties.</p> <p>Thus in the light of the aforesaid findings, the plaint of the plaintiff is not maintainable and rejected u/o 07-R-11 CPC with costs.</p> <p>File be consigned to the record room after necessary completion and compilation.</p> <p><u>Announced</u> 30.05.2023</p> <p> (Rehmat Ullah Wazir) Senior Civil Judge, Orakzai (at Baber Mela)</p>