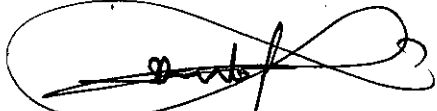




**IN THE COURT OF DISTRICT JUDGE, ORAKZAI AT BABER MELA**

(2)

Case Title: Tilla Muhammad vs Malang Jan

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
<p><b>Superintendent Note</b></p>	<p>13.06.2023</p>	<p>Miscellaneous Petition presented by counsel, Syed Bakhtiyar Hussain Advocate to the office of Superintendent. Be put up before Honorable District &amp; Sessions Judge, Orakzai, for further orders, please.</p> <p align="right">   <b>(SUPERINTENDENT)</b>                      To District &amp; Sessions Judge,                      Orakzai at Baber Mela.                 </p>
<p><b>Order No.01</b></p>	<p>13.06.2023</p>	<p>Register. Notice be issued to the respondent for 19.06.2023.</p> <p align="right">   <b>(SHAUKAT AHMAD KHAN)</b>                      District &amp; Sessions Judge,                      Orakzai at Baber Mela                 </p>
<p><b>Order No.02</b></p>	<p>19.06.2023</p>	<p>Petitioner along with his counsel present. Respondent Malang Jan also present in person. Record of the connected case titled as "Ayyub Khan VS Malang Jan etc." requisitioned and received.</p> <p>Petitioner seeks transfer of his case pending before the court of learned Civil Judge-II, Tehsil Kalaya, District Orakzai, to Civil Court at Baber Mela on the pretext that another case titled as above, between the same parties and regarding the same subject matter is pending before the court of learned Senior Civil Judge, Orakzai at Baber Mela. The petitioner also pleaded that being resident of Kohat it is difficult for him to travel from his native village to Orakzai besides security threats to the counsel for petitioner as well.</p> <p>I heard the counsel for petitioner and the respondent in person and perused the record.</p> <p align="left">   <b>Shaukat Ahmad Khan</b>                      District &amp; Sessions Judge                      Orakzai at Baber Mela                      19/06/23                 </p>

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge Magistrate and that of parties or counsel where necessary.
1	2	3
<p>Contin. Order No.02</p>		<p>It is evident from the record that through a suit before the court of learned Senior Civil Judge, Orakzai, Malang Jan, being plaintiff (defendant in the subsequent suit of possession through preemption before the court of learned Civil Judge-II, Tehsil Kalaya) seeks declaration-cum-perpetual injunctions and possession through partition of the suit property on the ground, that plaintiff, defendant no. 1 and defendants no. 3 to 6 are co-owners in the suit property which has not yet been partitioned between the parties.</p> <p>Through a subsequent suit before the court of learned Civil Judge-II, Tehsil Kalaya, defendant no. 10 (in a previous suit of possession through partition), seeks possession through preemption of the suit property allegedly sold by defendants no. 3 to 6 (in a previous suit of possession through partition) in the name of defendant no. 1 in the said suit. Though the property and parties in both the suits are same but in both the suits the causes of action and nature of the suits are different and the relief sought in one of the suits does not affect the nature and relief in other suit. Moreover, the previous suit, being fixed for evidence of defendants, is almost complete.</p> <p>The petition being devoid of merits, is dismissed. Consign. Requisitioned record be returned forthwith. Copy of this order be sent to the court of learned Senior Civil Judge, Orakzai at Baber Mela and court of learned Civil Judge-II, Tehsil Kalaya, District Orakzai for information.</p> <p><b>Pronounced:</b> 19.06.2023</p>



(SHAUKAT AHMAD KHAN)  
District & Sessions Judge,  
Orakzai at Baber Mela