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Jannat Shah <sup>etc</sup> V/S Rehman Shah etc.  
(67/1)

Or.....05  
04.07.2020

Plaintiffs through their counsel present. No one for the defendants' present. The counsel for the plaintiff submitted, an application for withdrawal of the instant suit with permission to file a fresh suit on the ground of some formal defect.

Arguments heard and record perused.

After hearing of arguments and perusal of the record, I am of the opinion as the instant suit is in its very initial stages being in attendance of the defendants which is yet to be procured. The written statement has not yet been submitted. It is a settled principle of law and guidance in the plethora of judgments of the superior courts that all the relevant and necessary facts must be brought before the court for the settlement of the issue once for all and none should be deprived of his rights due to any formal defect in his pleadings which does not affect the merits of the case. Thus, there exist a formal defect in the plaint of the plaintiffs, therefore, the application in hand is accepted and the suit of the plaintiffs is dismissed as withdrawn with permission to file a fresh suit. No order is to cost.

File be consigned to record room after its necessary completion and compilation.

Announced  
04/07/2020.



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