

Or-----12

09-01-2020

*Mr. Abdul Aziz Khan and Mr. Khalid Mehmood Advocates for the
Petitioners.*

Mr. Sajjad Ahmad Advocate for the Respondent.

1. On the previous date arguments of learned Counsel for the Respondent heard while Learned Counsel for the Petitioner submitted his written arguments on the following Preliminary Issue:-
Issue: - "Whether instant execution petition is maintainable as per relevant laws enunciated in C.P.C 1908?"
2. Through instant petition in hand, Petitioner is seeking **Execution of Order** passed by then AC Lower Orakzai **Dated: - 29-02-2016**. I have gone through the *ibid* Order Consisting of 09 Line in total. The Last Line of the *ibid* Order is reproduced as under: -
"...From the Perusal of the Case file and Jirga members unanimously gave their verdict. According to Jirga the case has been decided in favour of Imran Khan Sheikhan first Party"
3. Arguments heard and record perused.
4. Under S.33 CPC upon hearing the Case Judgment Shall be pronounced and on such Judgment a **Decree shall** follow. It is the duty of the Court to draw up a decree in accordance with the judgment. Party in whose favor Decree is passed is "Decree Holder". Order XX Rule 06 CPC specify the Contents of the Decree. ***It is the decree that is to be executed.*** Decree should specify the relief granted. It should be self-contained and capable of execution. Even where decree is not drawn up, an appeal is not competent under Order XLI R.01 CPC.
5. Taking into consideration the discussion in para.03 and perusing the case file especially the Petition of the Petitioner there is no Decree before the Court for execution. Hence, Petition in hand stands disposed of accordingly being in competent.
6. Case file be consigned to record room after necessary completion and compilation.

Announced
09.01.2020

Muhammad Imtiaz
Civil Judge-II
Orakzai
09/01/2020
(M. Imtiaz)

Civil Judge-II, Orakzai