

Gul Ajab Vs Muhammad Saud

**Order...10**  
25.09.2023

**Present:**

Plaintiff in person alongwith counsel.

Defendants through attorney:

Counsel for the plaintiff submitted reply of an application U/O 7 Rule 11, CPC which is placed on file

File to come up for arguments and order on the aforesaid application on **03.10.2023.**

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

**Order...11**  
03.10.2023

**Present:**

Plaintiff in person along with counsel.

Defendant through attorney along with counsel.

Arguments on an application Under Order 7 Rule 11 CPC heard.

File to come up for order on the aforementioned application on **10.10.2023.**

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

**Order...12**  
10.10.2023

**Present:**

Plaintiff in person.

Defendant through attorney.

1. This order shall dispose of an application submitted by petitioner/defendant for rejection of plaint under Order-VII Rule XI, CPC. The plaintiff/respondent contested the application by filing reply.

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*Sami Ullah*  
**Sami Ullah**  
Civil Judge-I,  
Orakzai

## Gul Ajab Vs Muhammad Saud

Order...12

Continued.

10.10.2023

2. Brief facts of the case are that plaintiff/respondent (hereinafter called plaintiff) filed the instant suit for damages of Rs. 2,470,000/- on account of maliciously prosecuting the plaintiff through a baseless FIR. The plaintiff has claimed Rs. 470,000/- as expenses incurred as counsel fee and other expenses and 2,000,000/- as damages for mental torture. Defendant was summoned who appeared before the court and submitted written statement along with an application Under Order 7 Rule 11 for rejection of plaint.
3. Through application in hand, petitioner/defendant (hereinafter called defendant) has sought rejection of plaint by contending that plaintiff has got no cause of action to file the instant damages suit.
4. The application was contested by plaintiff/respondent through written reply, contending that the plaintiff has got cause of action to claim the damages sought in the plaint.
5. Detailed argument from counsels for both the parties are already heard and record perused.
6. Keeping in view the available record on file and the arguments made by the counsels of the parties it is evident that the plaintiff has filed suit for damages on account of losses incurred and mental torture faced by the plaintiff due to malicious prosecution on behalf of the plaintiff. Perusal of case reveals that the defendant has filed FIR dated: 21.12.2020 U/S 447/506/148 & 147 PPC in PS Kalaya against the unknown accused and after inquiry, the plaintiff alongwith other co-accused were charged in the said FIR. Challan was submitted in the court and trial commenced. Trial concluded on acceptance of application U/S 249-A Cr.P.C by the court concerned and accused were acquitted from the charges levelled against them.
7. The point for determination before this court was whether the plaintiff in the above stated circumstances can file suit for damages

(Continued...)

*Lami Ullah*  
Sami Ullah  
Civil Judge/JM-I  
Orakzai at (Babar Mela)