


Order...02
Continued.
18.10.2023

Perusal of case file further reveals that execution petition instead of final decree for partition was filed by the Decree Holder/Petitioner, on this score, the file be put up for arguments on maintainability. File to come up for arguments on maintainability on **25.10.2023**.


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

Order...03
25.10.2023

Present:

Decree Holder No.01 in person and as attorney for rest of the Decree Holders alongwith counsel.

Judgement Debtor No. 08 in person.

Today the case was fixed for arguments on maintainability.

Perusal of case reveals that preliminary decree was granted in favour of the decree Holders and instead of filing petition for final decree, Decree Holders have filed execution petition.


The counsel for decree holders submitted an application for review of judgement dated: 21.06.2023 due to clerical mistake and addition of a word "preliminary" in para-11 of the said Judgement.

Arguments on maintainability and the above-mentioned application heard on behalf of Decree Holders.

The application submitted by Decree Holders is accepted and order and judgement dated 21.06.2023 is reviewed U/O 47 Rule 1, 4(2) and Section 151 CPC. The said order and judgement will remain in field and operative part of the judgement in para-11 and decree sheet will read as for;

"...The suit of the plaintiffs is hereby ex-parte decreed and preliminary decree for partition is passed in favour of the plaintiffs."

(Continued...)


Sami Ullah
Civil Judge/JM-I
Orakzai at Baber Mela


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Muharrir of the court is directed to placed the copy of this order on main file bearing Civil Suit No.18/1 of 2023 titled as "Azmat ullah and others Vs Hayat Khan and others" decided on 21.06.2023.

Resultantly, the instant execution petition is disposed of being bad in its form. Decree Holders are at liberty to file petition for final decree for partition.

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

Announced:
25.10.2023


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