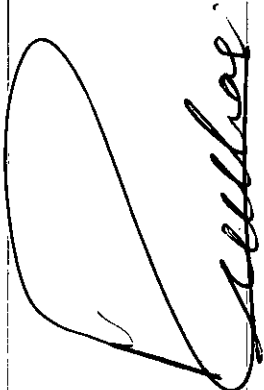


(13)

FORM "A"  
FORM OF ORDER SHEET

IN THE COURT OF SYED ABBAS BUKHARI, CIVIL JUDGE/JUDICIAL MAGISTRATE/CJ-II, KALAYA ORAKZAI

Serial No. of Order of Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or Counsel where necessary.
Order No. 20	25/10/2023	<p>Parties present. 3</p> <p>Vide this order I intend to dispose of instant three applications, two of them for grant of temporary injunction and condonation of delay filed by plaintiffs while the third one filed by defendants for rejection of plaint under Order VII, Rule 11 C.P.C.</p> <p>Arguments already heard and record perused.</p> <p>Now on perusal of the record and valuable assistance of both the learned counsels for the parties, this court is of the humble view that as for as application for rejection of plaint is concerned, it is pertinent to mention here that defendants through said application had alleged that suit in hand is barred by limitation as the same has been filed after the expiry of period of 30 days, in violation to order dated: 17.10.2022 passed in suit no.60/1 of 2022. In given circumstances this court is of the humble view that perusal of the record would reveal that present plaintiffs had previously filed a suit before competent forum in the year 2019 and subsequently they filed an application for the withdrawal of suit with the permission to file the fresh one. Accordingly said application of plaintiffs was allowed vide order dated: 17.10.2022 and they were permitted to file a fresh suit with in a period of 30 days. However subsequently plaintiffs filed instant suit on 13.03.2023 in light of the order dated: 17.10.2022 i.e. after about four and a half months. In given circumstances this court is of the view that the plaintiffs</p>



25/10/2023  
SYED ABBAS BUKHARI  
Civil Judge/JM-II  
Tehsil Courts Kalaya

Serial No. of  
Order of  
Proceedings

Date of  
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Proceedings

Order or other Proceedings with Signature of Judge  
or Magistrate and that of Parties or Counsel where  
necessary.

Continued  
Order---20

~~21/09/2023~~  
25-10

were supposed to have instituted the instant suit with in the period of 30 days, as previously they were permitted and directed to file the same within the period of 30 days.

As for as application for condonation of delay is concerned, it is pertinent to mention here that no valid reason or sufficient cause has been disclosed by the plaintiffs for failure to institute the instant suit after the expiry of 30 days. Furthermore, ignorance of law is no excuse and plaintiffs were represented by their counsel, hence in given circumstances, in case of unaware of law or procedure, plaintiffs were supposed to have consulted their counsel and moreover, it was also the duty of their counsel to have informed them regarding the nature and contents of order dated: 17.10.2022.

As for as application for grant of temporary injunction is concerned, as from the above discussion suit in hand is not maintainable being filed after the expiry of period of 30 days, hence the application in hand is hereby disposed of accordingly.

In light of the above discussion, the applications for grant of temporary injunction and condonation of delay. filed by plaintiffs, are hereby dismissed while application for rejection of plaint is hereby allowed and suit in hand is hereby rejected under Order VII Rule 11. No order as to costs. File be consigned to the record room after its necessary completion, compilation and scanning.

Announced  
25.10.2023

  
Syed Abbas Bukhari  
Civil Judge-II Kalaya Orakzai