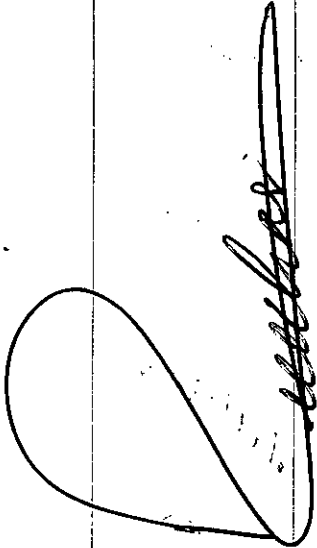


FORM "A"
FORM OF ORDER SHEET

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

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order 15	14.11.2023	<p>Parties present.</p> <p>Vide this order I intend to dispose of instant application for sine die adjournment of instant suit filed by defendants, hereinafter referred as petitioners.</p> <p>Arguments already heard and record perused.</p> <p>Now on perusal of the record and valuable assistance of the learned counsel for the parties, this court is of the humble view that petitioners through instant application allege that they had filed a civil revision before august Peshawar High Court, Peshawar, against the judgment dated: 31.01.2023 of Hon'ble District Judge Orakzai. They further allege that aforementioned revision petition is still pending and thus till decision of said revision petition, the suit in hand may kindly be adjourned sine die. Contrary to this respondents allege that no stay order has been passed by august Peshawar High Court, Peshawar, in said revision petition and thus in absence of stay order, suit in hand cannot be adjourned sine die. Hence prayed that the application in hand may kindly be dismissed with costs.</p> <p>Brief facts of the case are that previously suit in hand titled as "Sobidar Jameel etc Vs Kashmir Khan etc" was dismissed by trial court vide judgment dated: 21.12.2022. Feeling aggrieved of the Judgment dated: 21.12.2022, the present respondents filed a Civil Appeal before learned District Judge Orakzai and accordingly learned District Judge, Orakzai by modifying the judgment dated: 31.01.2023, held that suit property is joint ownership of parties to the suit including other LRs of their common predecessor with exclusive possession of the same with present petitioners no.01 to no.04. The learned Appellate court further held that any party may seek partition of the suit property. Thereafter in light of the judgment and decree dated: 31.01.2023 of learned District Judge Orakzai, instant suit for partition was instituted by present respondents. However, present petitioners, being aggrieved of judgment dated:</p>



14-11-2023
SYED ABBAS BUKHARI
CIVIL JUDGE/JUDICIAL
Magistrate
Tehsil Courts Malaya

FORM "A"
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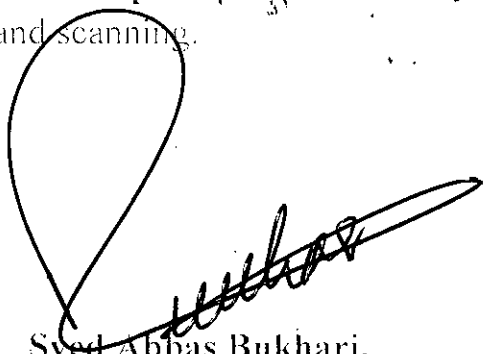
IN THE COURT OF SYED ABBAS BUKHARI, CIVIL JUDGE/JUDICIAL MAGISTRATE/C.J-II, KALAYA ORAKZAI
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<p><i>Continued</i> <i>0-15</i></p>	<p><i>14-11-2023</i></p> <p style="text-align: center;"><i>14-11-2023</i> SYED ABBAS BUKHARI Civil Judge/J.M. Tehsil Gorus Kalaya</p>	<p>31.01.2023 of learned Appellate court, filed a civil revision before august Peshawar High Court, Peshawar against said judgment.</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 it is an admitted fact that a civil revision against judgment dated: 31.01.2023 of learned District Judge Orakzai, is pending before august Peshawar High Court, Peshawar. It is also an admitted fact that instant suit for partition has been instituted in light of the Judgment dated: 31.01.2023 of learned Appellate court. In given circumstances, this court is of the considered view that, if in case, the revision petition filed by the present petitioners is allowed and judgment dated: 31.01.2023 of learned Appellate is set-aside, the question arise that what would be the fate of instant suit. On the other hand today learned counsel for the petitioners produced unattested copy of order dated: 06.11.2023 of august Peshawar High Court, Peshawar, passed in Civil Miscellaneous no. 679-P of 2023. Perusal of said order would reveal that impugned judgment and decree has been suspended and parties were directed to maintain status quo. In given circumstances, this court is of the view that as operation of impugned Judgment dated: 31.01.2023 has been suspended and furthermore, the instant suit has been instituted on the basis of aforementioned impugned judgment, hence proceeding further with the instant case would be otherwise a violation to the directions issued by august Peshawar High Court Peshawar.</p> <p>In light of above discussion, instant application filed by defendants for sine die adjournment of instant suit is hereby allowed and suit is hand is hereby adjourned sine die, however plaintiffs are at liberty to restore the instant suit after disposal of revision petition pending before august Peshawar High Court, Peshawar. Moharrir of this court is directed to do the needful in this regard. File be</p>

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<p>Continued 0 — 15</p>	<p>14-11-2023</p>	<p>consigned to the record room after its necessary completion, compilation and scanning.</p> <p><u>Announced</u> 14.11.2023</p> <p> <u>Syed Abbas Bukhari,</u> Civil Judge-II Tehsil Courts, Kalaya, Orakzai</p>