

FORM "A"

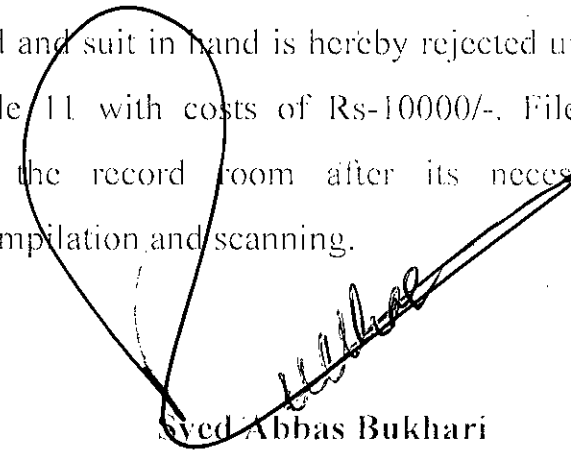
FORM OF ORDER SHEET

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.
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Order No. 42	26/10/2023	<p>Parties present.</p> <p>Vide this order I intend to dispose of instant two applications, one filed by the defendants under Order VII, Rule 11 C.P.C. for rejection of plaint while the other one filed by plaintiff for withdrawal of instant suit with permission to file fresh one.</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 plaintiff in his plaint has termed the suit property as his ancestral property while his father namely Suleman Shah is still alive and thus during the life time of his father, plaintiff has got no locus standi to file the instant suit. Contrary to this plaintiff has also admitted in his replication that his father is alive but he was not in knowledge of the same. In given circumstances, this court is of the view that it is very strange that plaintiff was unaware of the fact that his father is alive. Furthermore, plaintiff has got no locus standi to file the instant suit during the life time of his father and thus he did not approached this court with clean hands rather intended to commit fraud with the court and further misleded the court through his conduct.</p> <p>As for as application for withdrawal of instant suit with</p>

26.10.2023
 SYED ABAAS BUKHARI
 Civil Judge/JM-II
 Tetsil Courts Kalaya

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Continued Order---42	26/10/2023	<p>permission to file afresh is concerned, it is pertinent to mention here that plaintiff has alleged in his application that due to some legal defect he intends to withdraw the instant suit and file a fresh one. However, perusal of the application would reveal that no such legal defect has been mentioned by plaintiff in his application while he was under obligation to have specifically mentioned each and every legal defect, due to which he intend to withdraw the instant suit. On the other hand as discussed above, plaintiff has got no locus standi to file the instant suit, hence he has also got no locus standi to withdraw the same and file a fresh one.</p> <p>In light of the above discussion, the application for withdrawal of instant suit is hereby dismissed being meritless while application for rejection of plaint is hereby allowed and suit in hand is hereby rejected under Order VII Rule 11 with costs of Rs-10000/-. File be consigned to the record room after its necessary completion, compilation and scanning.</p> <p><u>Announced</u> 26.10.2023</p> <p> Syed Abbas Bukhari Civil Judge-II Kalaya Orakzai</p>