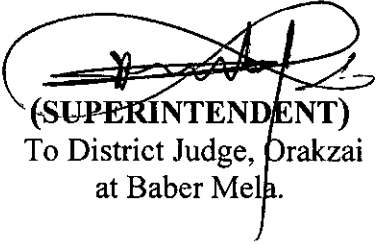

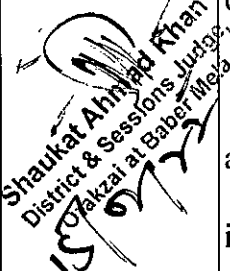
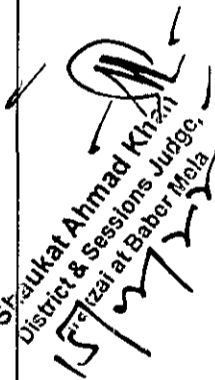


(3)

IN THE COURT OF DISTRICT JUDGE, ORAKZAI AT BABER MELA

Case Title: Muhammad Shaheen vs Muhammad Ayaz etc.

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
Superintendent Note	12.02.2022	<p>Civil Revision presented through counsel, Zahoor Ur Rehman Advocate to the office of Superintendent. Be put up before District Judge, Orakzai, for further orders, please.</p> <p style="text-align: right;"> (SUPERINTENDENT) To District Judge, Orakzai at Baber Mela.</p>
Order No.01	12.02.2022	<p>Register. Counsel for the petitioner present. Preliminary arguments heard. Points raised need consideration. Admitted for full hearing. Meanwhile, impugned order dated 10.02.2022 of learned Civil Judge-I is set aside till next date. Notice be issued to respondents for 15.02.2022.</p> <p style="text-align: right;"> (SHAUKAT AHMAD KHAN) District Judge, Orakzai at Baber Mela</p>
Order No.02	15.02.2022	<p>Respondents no. 1 to 5 present in person. They submitted Wakalatnama in favour of Abid Ali Advocate. Placed on file. Mr. Hussain Shah, the Superintendent of the office of DC and Mr. Shahid Ullah of the office of AC present on behalf of respondents no. 6 and 7 respectively.</p> <p>In a suit before the court of learned Civil Judge appellant/plaintiff seeks declaration-cum-perpetual injunctions to the fact that he is leaseholder for about 800 acres of land situated at village Mishti Nazi Kada while the</p> <p style="text-align: left;"> Shaukat Ahmad Khan District & Sessions Judge, Orakzai at Baber Mela 15/02/22</p>


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
<p>Contin. Order No.02</p>	 <p>Shaukat Ahmad Khizri District & Sessions Judge, Faisalabad at Baber Mela</p>	<p>respondents/defendants have got no concern with the suit mining area and that they have got no right to make interference over there.</p> <p>The plaint was accompanied by application for grant of temporary injunctions. In pursuance of which order of status quo was passed by the learned trial court. The respondents/defendants no. 1 to 5 submitted written statement alongwith application for grant of temporary injunctions to the fact that the appellant/plaintiff may be restrained from carrying on mining activities in the area on the ground, that the license of the appellant/plaintiff has been suspended vide letter/order dated 19.04.2021 of Assistant Director Mineral. The learned trial court relying upon the said letter/order, passed the impugned order and directed both the parties to maintain status quo on the spot till date fixed i.e., 17.02.2022.</p> <p>Being aggrieved, the appellant/plaintiff filed the instant revision petition.</p> <p>I heard arguments and perused the record.</p> <p>At the very outset when the learned counsel for respondents/defendants no. 1 to 5 was confronted with the situation that the letter/order dated 19.04.2021, on the basis of which the status quo was granted by the learned trial court vide impugned order dated 10.02.2022, has already been withdrawn vide letter dated 14.07.2021 of Assistant Director Mineral and the matter has not yet finally decided by the</p>

learned trial court, he conceded the point that let the impugned

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IN THE COURT OF DISTRICT JUDGE, ORAKZAI AT BABER MELA

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1	2	3
Contin. Order No.02		<p>order dated 10.02.2022 may be remained suspended till 17.02.2022, the date fixed before the learned trial court where the application for grant of temporary injunctions will be disposed of by the learned trial court on the basis of merits.</p> <p>Hence, in view of the frank concession of the learned counsel for respondents/defendants no. 1 to 5 coupled with the fact that the application for grant of temporary injunctions has not yet decided by the learned trial court and discussing the merits of the case may amount to prejudice the merits of the application pending before the learned trial court, the instant revision petition is accepted to the extent that the impugned order dated 10.02.2022 of the learned trial court is set aside and the case is remitted to the learned trial court with the directions to decide the application for grant of temporary injunctions on the basis of merits after hearing arguments of both the parties. File of this court be consigned. Record of the learned trial court be returned forthwith with copy of order for information and compliance.</p> <p><u>Pronounced:</u> 15.02.2022</p> <p style="text-align: right;"> (SHAUKAT AHMAD KHAN) District Judge, Orakzai at Baber Mela</p>