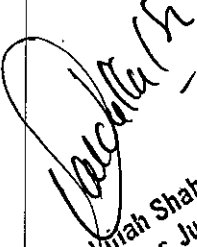


(6)

**IN THE COURT OF DISTRICT JUDGE, ORAKZAI AT BABER MELA**

Case Title: Lahore Khan etc VS Imran Khan etc

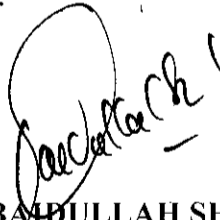
Serial No of order or proceedings	Date of Order. Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
Order No.09	15.12.2023	<p>Mr. Abid Ali Advocate for appellants and Abdul Qayyum Khan Advocate for respondents present. Appellant No. 1, Lahor Khan present in person. Respondents No. 1, Imran Khan present in person.</p> <p>In a suit before the learned trial court, the respondent/plaintiff claimed that he is owner in possession of the suit property situated at Mishti Mela Bazar for 40 years while the appellants/defendants having got no concern whatsoever with the suit property, are bent upon making construction over the same in shape of shops besides blocking a public thoroughfare. The appellants/respondents were summoned who appeared before the learned trial court and submitted their written reply denying the claim of the respondent/plaintiff.</p> <p>The learned trial court vide order dated 19.09.2023, despite expressive directions to the appellants/defendants to submit scheduling proforma, struck of the right of defense of the appellants/defendants under Order IX-A, Rule 6 of the CPC with costs of 5000/-. The appellants/defendants, considering themselves aggrieved of the impugned order, filed the instant appeal.</p> <p>Arguments heard and record gone through.</p> <p>Perusal of the case file reveals that the suit was filed in the learned trial court on 19.05.2022 whereas the written statement was submitted on 20.05.2023, after about 01 year. It is evident from the record that on 02.09.2023 the appellants/defendants sought adjournment to submit proforma F1, F2 and G, which was allowed by the learned trial court with cost of Rs. 5000/- and the case was fixed for 19.09.2023 when the impugned order was passed.</p>

  
Syed Obaidullah Shah  
District & Sessions Judge  
Orakzai at Baber Mela

(7)

**IN THE COURT OF DISTRICT JUDGE, ORAKZAI AT BABER MELA**

Case Title: Lahare Khan etc vs Imran Khan 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
Contin. Order No.09		<p>The law on the point is, that a lis should be decided after recording of pro and contra evidence and the parties must be given opportunities to adduce their respective evidence. When the learned counsel for the respondent/plaintiff was confronted with the above situation, he conceded the standpoint subject to imposition of cost.</p> <p>In these circumstances, the appeal in hand is accepted and the impugned order dated 19.09.2023 of learned trial court is set aside subject to cost of Rs. 1000/- liable to be paid by the appellants/defendants to the respondents/plaintiffs before the trial court with provision of single opportunity to the appellants/defendants to submit the required proformas on date fixed. Parties are directed to appear before the learned trial court on date fixed.</p> <p>Order announced. File of this court be consigned to record room after its necessary completion and compilation. Copy of this order be sent to the learned trial court for information and compliance.</p> <p>Dated: 15.12.2023</p> <p style="text-align: right;"> (SYED OBAIDULLAH SHAH) District Judge, Orakzai at Baber Mela</p>

