


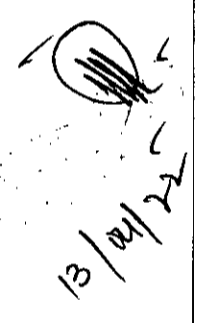
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IN THE COURT OF DISTRICT JUDGE, ORAKZAI AT BABER MELA

Case Title: C Haider Ghulam etc vs Kamina Jan 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.06	13.04.2022	<p>Appellant no. 1 and 6 present, alongwith his counsel Syed Hamza Gilani Advocate present. Sana Ullah Khan Advocate for respondents no. 1 to 3 presents. Arguments heard.</p> <p>Impugned herein is the order dated 11.02.2022 of learned Civil Judge Camp Court Kalaya, Orakzai vide which the application of respondents no. 1 to 3 (plaintiffs in the suit) for grant of temporary injunctions to the extent of further alienation of the suit property has been accepted. In a civil suit before the learned trial court, the respondents no. 1 to 3 being plaintiffs claimed that they alongwith respondent no. 4 being defendant no. 21 in the suit, being legal heirs of the deceased Ghulam Ali, are entitled to their due legal share in the suit property detailed in the headnote of the plaint. The appellants being defendants no. 1 to 20 in their written statements denied the claim of respondents/plaintiffs and claimed that they are owners of the suit property being purchased by them vide various deeds mentioned in written statements. The suit was accompanied by application for grant of temporary injunctions which was allowed by the learned trial court to the extent of further alienation of the</p>


Shaukat Ahmad Khan
District & Sessions Judge
Orakzai at Baber Mela
13/04/22

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<p>Contin. Order No.06</p>		<p>suit property. The appellants/defendants no. 1 to 20 being aggrieved of the impugned order, filed the instant appeal.</p> <p>I heard arguments at some length. During the course of arguments, it was pointed out that on the very day of announcement of order, the respondents no. 1 to 3/plaintiffs have submitted application for amendment of plaint to the extent of mentioning complete particulars of the suit property and addition of some of the legal heirs of deceased Ghulam Ali as parties to the suit. When the learned counsel for respondents no. 1 to 3/plaintiffs was confronted with the fact that when as to his own opinion if the particulars of the suit property are not known then how the court would establish the fact that whether the suit property is the legacy of deceased Ghulam Ali to the exclusion of the personal property of appellants/defendants, if any, or otherwise? In response the learned counsel for the respondents/plaintiffs submitted that let the application for amendment of plaint be decided first and thereafter the application for grant of temporary injunctions be taken up in the light of amended pleadings.</p> <p>In view of the aforementioned situation, both the counsels for parties agreed that let the case be remanded to the learned trial court with the directions to decide the</p>

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Contin.
Order No.06

application for amendment of the plaint first and thereafter decide the instant application in light of amended pleading, if allowed.

Hence, keeping in view the aforementioned scenario coupled with the joint request of both the counsels for parties, the impugned order dated 11.02.2022 of learned Civil Judge Camp Court Kalaya, Orakzai is set aside. The application is remanded with directions to decide the same afresh after deciding the application for amendment of the plaint after submission of amended pleading, if allowed. File of this court be consigned to the record room while copy of the same be sent to learned trial court for information alongwith with record.

Pronounced
13.04.2022




(SHAUKAT AHMAD KHAN)
 District Judge, Orakzai
 at Baber Mela

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