


Order No.09
22.02.2024

Petitioner in person present. Respondent No. 1 for himself and as special attorney for rest of the respondents present. Arguments on application for rejection of plaint already heard and record perused.

Brief facts of the case are that plaintiff has filed the instant suit for recovery of Rs. 700000/- as remaining price of landed property reached in light of jirga decision, recovery of Rs. 112000/- as labor cost etc and recovery of Rs. 100000/- for mental torture and agony suffered by plaintiff due to conduct of defendant as defendant is reluctant to pay the remaining amount of Rs. 700000/- as determined by the jirga. That defendant was asked time and again to pay the said amount but in vain, hence, the present suit.

Petitioner/defendant has sought rejection of plaint on the ground that suit of plaintiffs is time barred as the matter is pertaining to 30.08. 2018 and suit in hand was filed on 03.04.2023. On the other hand, respondents/plaintiffs contested the application by filing written reply contending that the suit is within time as petitioner/defendant has recently denied to pay the amount in question and lastly requested for dismissal of the application.

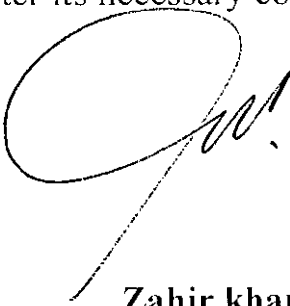
As per law, plaint can only be rejected when it does not disclose a cause of action or relief claimed is under value or plaintiff fails to correct the valuation inspite of directions of the court or that plaint is


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Civil Judge/JM
Kalaya Orakzai

written upon insufficient stamp paper or the suit is barred by law. As per averments of plaint, plaintiffs are seeking recovery of Rs. 912000/- as price of the landed property, labor cost, mental torture and agony. Although, the matter is pertaining to the year 2018 but per averments of plaint, petitioner/ defendant recently refused to pay the remaining amount. Suit is hand was filed on 03.04.2023, therefore, suit of respondents/plaintiffs cannot be dismissed on ground of limitation. Even otherwise, district Orakzai is one of the newly merged districts and all the Federal and Provincial laws stood extended to the newly merged districts after merger in the year 2019. Limitation is a mixed question of law and facts which needs pro and contra evidence of the parties. The application does not cover the four corners of Order-VII Rule-11 CPC. Hence, the application for rejection of plaint is held to be pre-mature, therefore, stands rejected. No order as to cost.

File be consigned to record room after its necessary completion and compilation.

Announced:
22.02.2024



Zahir Khan
CJ-I, Tehsil Kalaya, Orakzai