

Order...35
29.01.2024

Present:

Plaintiff No.03 in person alongwith counsel.

Defendant No.01 to 05 in person while defendant No.02,03,06 and 07 through attorney alongwith counsel.


Today the case was fixed for submission of reply on application for withdrawal of the instant suit with permission to file a fresh one due to formal defect and inadvertent mistake in the pleadings by defendants. Counsel of defendant submitted reply of the said application. Arguments heard on the instant application from both the counsel of the parties.

Perusal of the pleadings transpires that the suit property was not clearly mentioned in the plaint and relief claimed are ambiguous. Moreover, necessary parties are also not impleaded in the plaint.

After hearing of arguments and perusal of record, this court is of the view that safeguard the rights of the plaintiff and for bringing all the facts before the court for achieving the ultimate end of justice, the application in hand is **Accepted** and the suit of the plaintiff is dismissed as withdrawn with the permission to file a fresh suit with cost of Rs.10,000/-.

File be consigned to the Record Room after its completion and compilation.

Announced
29.01.2024


Sami Ullah
Civil Judge-I,
Orakzai (at Baber Mela)