

Order...17
21.07.2022

Present:

Plaintiff through his son namely Yaseen.

Defendant along-with counsel namely Amaan Khan Bangash.

Counsel for the defendant submitted proforma "E" which is placed on file. Issues framed today. Notice of trial management and scheduling conference is given to both the parties under IX-A (4) CPC on proforma F1, F2 and Proforma G were also delivered to the parties.

File to come up for trial management and scheduling conference on **08.09.2022.**

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

Order...18
27.07.2022

Case file requisitioned upon the application of the counsel for the plaintiff and submitted an application for withdrawn of the instant suit with permission to file a fresh suit.

Arguments heard and record perused.

After hearing of arguments and perusal of the record, I am of the opinion as the instant suit is in its initial stages as the same is in trial management and scheduling conference till date and no evidence has yet been recorded. It is a settled principle of law and guidance in the plethora of judgments of the superior courts that all the relevant and necessary facts must be brought before the court for the settlement of the issue once for all and none should be deprived of his rights due to any formal defect in his pleadings which does not affect the merits of the case. Thus, there exist a formal defect in the plaint of the plaintiffs, therefore, the application in hand is accepted and the suit of the plaintiffs is dismissed as withdrawn with permission to file a fresh suit. No order is to cost.

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

Announced
27.07.2022

Sami Ullah
Sami Ullah
Civil Judge/AM-I
Orakzai (Babar Mela)