

COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

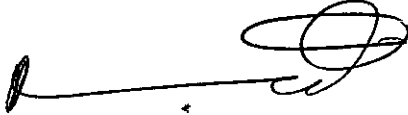
Case Title: _____ VS _____

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. 05	20.12.2022	<p>Presence as before. Through my this single order, I intend to dispose off an application for rejection of plaint U/O 7-R-11 CPC, filed by the defendant No. 02 against the plaintiff.</p> <p>This application was strongly contested by the other party by filing replication and forwarding arguments thereto.</p> <p>Brief facts of the case are that the plaintiff filed the instant suit for declaration-cum-perpetual and mandatory injunction, cancellation of the suit lease and the Iqrar Nama and possession through partition to the effect that he and the defendants No. 06 to 08 and the entire family are the joint owners in possession of the suit property. That the defendants No. 01 & 02 in collusion with the defendants No. 03 to 05 have got NOC without conducting Jalsa-e-Aam and have got lease file No. 132 by the defendant No. 01 and leased file No. 130/131 by the defendant No. 02, which is illegal, ineffective upon the rights of the plaintiff and liable to be cancelled with further prayer to restrain the defendants from interfering in the suit property and partition of the suit property.</p> <p>Arguments heard and record perused.</p> <p>After hearing of arguments and perusal of the record, I am of the opinion that the main object of the present suit is the cancellation of the said coal mining lease in favour of the defendants No. 01 & 02 but according to the KPK Minerals Sector Governance Act, 2017 and the KPK Minerals Sector Governance (Amendment) Act, 2019, there is a complete scheme and frame work of things to be done has been provided in the said Acts and also laying down means and procedures for protection of rights claimed by the interested persons. They can approach for redressal of grievances to the licensing authority as envisaged in the section 02 (U) of the KPK Minerals Governance Act, 2017 and then to the Appellate Tribunal as envisaged in the section 05 (A) of the KPK Minerals</p>

REHMAT ULLAH WAZIR
Senior Civil Judge/JM,
Orakzai at Baber Mela

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Case Title: Ikram Ali VS Liaqat Ali etc

<p>Order No 05 continued</p>	<p>20.12.2022</p>	<p>Governance (Amendment Act, 2019). Further, u/s 102 (6), it is provided that</p> <p><i>“Notwithstanding anything provided in the other law for the time being in force, no court shall have jurisdiction to entertain or to adjudicate upon any matter to which the Appellate Authority under this Act is empowered to dispose off or to determine the validity of anything done or an order passed by it”.</i></p> <p>Thus, jurisdiction of the Civil Court is specifically barred under the said provisions.</p> <p>Therefore, in the light of the aforesaid findings, the application in hand is accepted and the plaint of the plaintiff is hereby rejected being barred by law with costs.</p> <p>File be consigned to the record room after its necessary completion and compilation.</p> <p><u>Announced</u> 20.12.2022</p> <div style="text-align: right;">  (Rehmat Ullah Wazir) Senior Civil Judge, Orakzai (at Baber Mela) </div>
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