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IN THE COURT OF ADDITIONAL SESSIONS JUDGE ORAKZAI, AT BABAR MELA

Civil Misc. Appeal No. 8/14 of 2022

Date of institution: 27.08.2022

Orakzai Flour Mill vs District Food Controller 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 | 20/09/2022 | <p>Mr. Dr. Ameer Ajam, Malak Shehzada Orakzai and Mr. Aziz ur Rehman Advocate(s) for appellants; District Attorney for respondents, are in attendance. Arguments have already been heard; whereas, this is the disposal of captioned Civil Misc. Appeal.</p> <p>2. This Miscellaneous Civil Appeal calls in question the validity and propriety of the Order dated 18-08-2022, passed by learned Civil Judge, Orakzai, in Civil Suit bearing No.37/1 of 2022; whereby, the learned Trial Court has refused to grant ad-interim injunctive order on the application of appellant/plaintiff.</p> <p>3. Facts of the case are such that plaintiff has established New Orakzai Flour Mill in the year 1999 and was allotted quota of flour for District Orakzai as sole distributor in the area. It was 9th of October, 2020 when Secretary Food Department Khyber Pakhtunkhwa initiated process of acquisition of land through District Commissioner Orakzai being District Collector for food grain storage on the prescribed criteria. The site proposed for such Godown was selected in the area which is far away from the location of plaintiff's Mill. This act of defendants was allegedly based on mala fide and is expected to cause loss not only to the plaintiff but to the costumers as well. The matter was agitated in Writ Petition WP No. 2987-P/2021 which was decided on 29-09-2021; the operating part of which speaks that the District Collector shall decide the objection petition and if no objection is pending, the writ petition shall be treated as objection petition and be decided in accordance with law within one month. Second writ petition bearing No. WP No.1260-P/2022 was filed</p> |


SAYED FAZAL WADOOD
Addl. District Sessions Judge
Orakzai at Hangu

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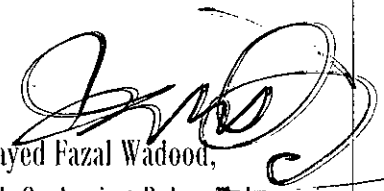
and was decided on 05-07-2022 by dismissing the same on the score of being not maintainable. The matter was agitated in the Civil Suit where prayer for ad-interim relief by way of granting status quo was not given effect that necessitated presentation of instant appeal which is under consideration.

4. Defendants have been issued notices and some of the contesting defendants have put appearance before the Court. The appellant/plaintiff was time and again asked to submit register AD for issuance of process to defendants out of the District but the directions have not been complied with which is the apparent reason of delay in disposal of application pending disposal before the learned Trial Judge.

5. Record was requisitioned and examined with the professional assistance rendered by counsel representing parties at contest.

6. The attendance of all the contesting defendants has already been procured and touching merits of the case will affect the determination of the pending matter of grant of injunction before the learned Trial Judge; therefore, the pending Civil Misc Appeal is disposed of with the direction that appellant shall comply with the direction of Trial Court regarding service through courier and the learned Trial Court shall decide the pending petition within short possible time as the matter is required under the law to be disposed of as time bound activity.

7. Resultantly, instant Miscellaneous Civil Appeal, is disposed of accordingly with the directions mentioned above. Cost shall follow the event. Requisitioned record be returned to the quarter concerned and file of this Court be consigned to District Record Room after its completion and compilation within span allowed for.


Sayed Fazal Wadood,
AD&S.I. Orakzai at Baber Mela