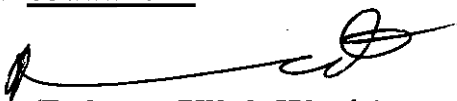



COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELACase Title: Gulfam Hussain etc VS Syed Hussain Jan etc

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 No 05	02.11.2022	<p>Parties present.</p> <p>The counsel for the contesting defendants argued the impleadment application and maintainability of the instant suit. The counsel for the plaintiffs is not available. Adjourned.</p> <p>File is to come up for reply and arguments of the counsel for the plaintiffs on <u>03.11.2022</u></p> <p style="text-align: right;"> (Rehmat Ullah Wazir) Senior Civil Judge, Orakzai (at Baber Mela)</p>
Order No 06	03.11.2022	<p>Presence as before.</p> <p>Today the case was fixed for reply and arguments of the counsel for the plaitniffs on the pending application but at the very outset of proceedings, the counsel for the plaintiffs submitted an application for withdrawal of the instant suit with permission to file a fresh suit on the ground of some formal defect.</p> <p>The counsel for the defendants recorded no objection on the margin of application subject to payment of cost.</p> <p>Arguments of the counsel for the plaintiffs heard and record perused.</p> <p>After hearing of arguments and perusal of the record, I am of the opinion that the instant suit is in its very initial stages as no statement of any witness has yet been recorded. Also, the plaintiffs have not obtained the permission of the court for filing the instnat suit in a representative capacity. Also, no proper lists of owners of the joint property is provided</p>

Continued

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1	2	3
Order No 04	03.11.2022	<p>by the plaintiffs. 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 subject to payment of cost of Rs. 1000/- by the plaintiffs</p> <p>File be consigned to record room after its necessary completion and compilation.</p> <p><u>Announced</u> 03.11.2022</p> <p style="text-align: right;">  (Rehmat Ullah Wazir) Senior Civil Judge, Orakzai (at Baber Mela) </p>