

Order.10

15.10.2022

Parties present. Arguments already heard and record perused.

This order shall dispose of instant petition for review of the judgment and decree passed in case No. 165/1 of 2019, Dated 13.11.2021.

Petitioner has contended that the preliminary decree passed by the predecessor of the undersigned on 13.11.2021 in the aforementioned case be reviewed up to the extent of partition of land on which tube well is installed. That the preliminary decree provides that the land on which tube well is located, be partitioned equally between the present petitioner and respondent. Many objections on the said part of the said decree were raised through instant petition and in this respect, review has been sought from this court.

Respondent was summoned, who appeared before the court and contested the petition by filing written reply.

Arguments heard and record perused.

Though the application is not that much clear as to how the decree which was based on reason may be altered through instant review petition. In order to bring forth any fact before the court which might have its impact on the decree so passed, petitioner was given opportunity by allowing the application for direction to the Public Health Department, Orakzai for production of documents. The documents were related to the installation of tube well in question and

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the documents were produced which were placed on file but nothing could be gathered from the said documents which might have brought any new fact on surface.

Scope of review is very limited and an order can only be reviewed when there is discovery of some new or important evidence. Object of review is to enable the court to correct its own mistake or error in an order. Petitioner failed to point out any mistake or error in judgment/order dated: 13/11/2021 in case number 165/1 of 2019. If order dated: 13/11/2021 is illegal, unlawful and liable to be set aside, as contended by petitioners then petitioners were required to challenge the same before the proper forum under the relevant provisions of law. Application for review is hereby **Dismissed**. No order as to cost. File be consigned to record room after its necessary completion and compilation.

Announced
15.10.2022

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