

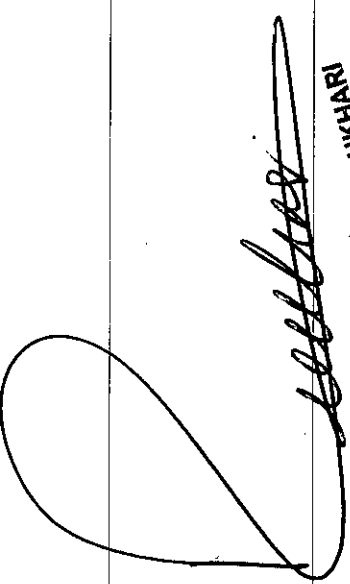
9

FORM "A"  
FORM OF ORDER SHEET

IN THE COURT OF SYED ABBAS BUKHARI, CIVIL JUDGE/JUDICIAL MAGISTRATE/CJ-II, KALAYA ORAKZAI

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 11	22.02.2024	<p>Parties present.</p> <p>Vide this order I intend to dispose of instant four applications, three of them i.e. applications for grant of temporary injunction, appointment of receiver and impleadment of necessary parties filed by plaintiff while application for stay of suit filed by defendant no.1.</p> <p>Arguments already heard and record perused.</p> <p>Now on perusal of the record and valuable assistances of both the learned counsels for the parties. this court is of the humble view that as for as application for stay of suit is concerned, it is pertinent to mention here that defendant no.1 through said application allege that a prior suit bearing no.54/1 titled as "Sultan Badshah etc Vs Aziz Ur Rahman" is pending before this court. He further alleged that parties as well as subject matter in both the instant suit as well as the prior suit are one and the same, hence prayed that till decision of the prior suit, suit in hand may kindly be stayed. Contrary to this plaintiff allege that some other disputes also exist between the parties to the suit, which have been highlighted in the instant suit. Moreover other suits are not in respect of whole of the property of parties to the suit and all the necessary parties have not been impleaded in those earlier suits. In given circumstances, this court is of the humble view that perusal of both the earlier suit no.54/1 of 2022 titled as "Sultan Badshah etc Vs Aziz Ul Rahman" and the instant suit would reveal that parties as well as subject matter in both the suits is same. Furthermore, the relief claimed in both the suits is also same, hence the plea of plaintiff that some other disputes also exist between the parties, which have been highlighted in the instant suit, is</p>



22.02.2024  
SYED ABBAS BUKHARI  
Civil Judge/JM-II  
Kalaya Orakzai

10

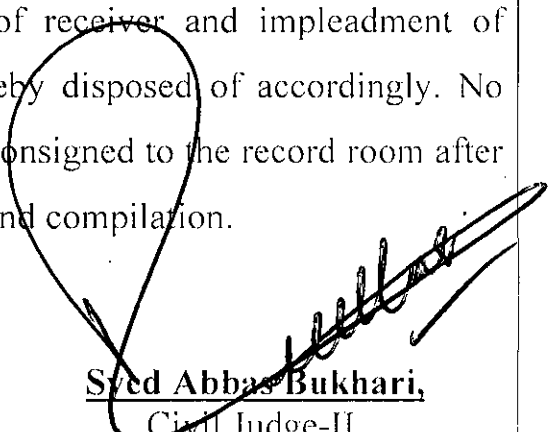
FORM "A"  
FORM OF ORDER SHEET

IN THE COURT OF SYED ABBAS BUKHARI, CIVIL JUDGE/JUDICIAL MAGISTRATE/CJ-II, KALAYA ORAKZAI  
Case Title: \_\_\_\_\_ Vs \_\_\_\_\_

not sustainable, as plaintiff cannot seek anything in addition to his prayer from this court.

In light of above discussion, the application for stay of suit filed by defendant no.1 is hereby allowed and suit in hand is hereby stayed under section 10 CPC till decision of earlier suit no.54/1 of 2022. However plaintiff is at liberty to restore the instant suit after disposal of suit no. 54/1 of 2022, if so desired. The applications for grant of temporary injunction, appointment of receiver and impleadment of necessary parties are hereby disposed of accordingly. No order as to costs. File be consigned to the record room after its necessary completion and compilation.

**Announced**  
**22.02.2024**

  
**Syed Abbas Bukhari,**  
Civil Judge-II,  
Tehsil Court Kalaya, Orakzai