
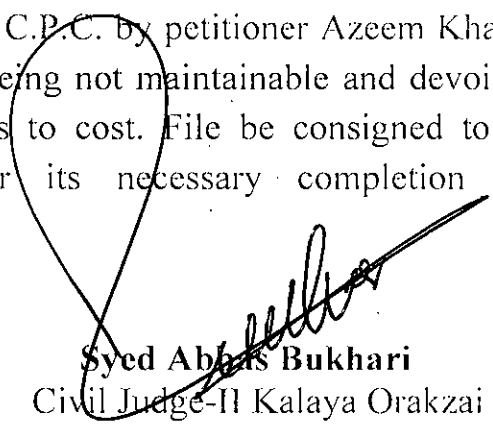


FORM "A"
FORM OF ORDER SHEET

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

Serial No. of Order of Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or Counsel where necessary.
1	2	3
Order No. 07	03.04.2024  SYED ABBAS BUKHARI Civil Judge/JM-II Tehsil Courts Kalaya 4/2024/170-30	Parties present. Vide this order I intend to dispose of instant application filed under section 12(2) C.P.C. by petitioner Azeem Khan. Arguments already heard and record perused. Now on perusal of the record and valuable assistance of the learned counsel for the parties, this court is of the humble view that petitioner through instant 12(2) C.P.C. application allege that previously during pendency of suit no.18/1 of 2023 present respondents had fraudulently exhibited a compromise deed Ex-PA and on the basis of said compromise deed, the abovementioned suit of respondents was dismissed as withdrawn vide order dated: 31.05.2023. The petitioner further seek cancellation of order dated: 31.05.2023 to the extent of compromise deed Ex-PA and further allege that said deed has got no effect upon his rights. In given circumstances this court is of the humble view that as for as Compromise deed Ex-PA is concerned same was produced before this court and subsequently exhibited in presence of petitioner. Moreover, the petitioner has not denied the compromise, previously effected between the parties, through instant application rather mere seek cancellation of order dated: 31.05.2023 to the extent of compromise deed Ex-PA which otherwise mean that parties have effected compromise with their mutual consent and free will. It is also pertinent to mention here that the petitioner also failed to produce any counter documentary/oral proof or compromise deed, in support of his stance, with regard to the terms and conditions of the compromise previously effected between the parties. Furthermore, it is also worth mentioning here that whenever a decree is obtained through fraud, misrepresentation or want of jurisdiction, the aggrieved person has got the remedy to file application under section 12(2) C.P.C. However, in present suit no such

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Continued.... Order No. 07	03.04.2024	<p>decree has been passed in favour of respondents and against the petitioner rather suit of respondents was dismissed as withdrawn on the basis of compromise between the parties, hence in such like situation instant application is not maintainable.</p> <p>In light of above discussion, instant application filed under section 12(2) C.P.C. by petitioner Azeem Khan is hereby dismissed being not maintainable and devoid of merits. No order as to cost. File be consigned to the record room after its necessary completion and compilation.</p> <p><u>Announced</u> 03.04.2024</p> <p style="text-align: right;">  Syed Abbas Bukhari Civil Judge-II Kalaya Orakzai </p>