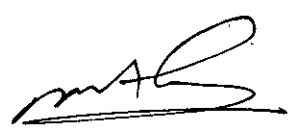


FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-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. 06	22.10.2024	<p>Case file received from the vacant court of learned CJ-I vide order of Worthy District & Sessions Judge, Orakzai, bearing End: 7105-13/DSJ/ORK, dated 07.10.2024. It be registered. The case was fixed for arguments on the point of maintainability raised by the court sue-moto. Through order number 03 dated 09.09.2024.</p> <p>Son of plaintiff namely Musharat Khan with counsel present. Arguments of counsel for plaintiff on the points of maintainability heard.</p> <p>Vide this Court intends to dispose of the question with regard to maintainability of instant suit.</p> <p>In the light of perusal of the record and arguments of the learned counsel for the plaintiff, this court is of the view that plaintiff filed instant suit for declaration cum permanent injunction in respect of landed property measuring 461-83 acre and the plaintiff contended in his plaint that the suit property is the joint un divided ownership of four Kandi/tribes namely Meer Afzal Kandi, Noor Sher Kandi, Muhammad Ghulam Kandi and Saidooq Kandi. But however, the suit is not filed in the representative capacity, as the suit property is joint and undivided property of four tribes and everyone has right on every inch of suit property.</p> <p>Furthermore, it is pertinent to mention here that necessary parties i.e all the members of the said four candies/tribes are not impleaded in the suit.</p> <p>Moreover, neither partition has been sought by the plaintiff nor his due shares are known in the suit property.</p> <p>Additionally, full description of the suit property has not been given in the plaint in order to properly identify it.</p> <p>In light of what has been discussed above, instant suit is hereby dismissed being not maintainable. No order as to costs. File be consigned to the record room after its necessary completion and compilation.</p> <p><u>Announced</u> 22.10.2024</p> <p style="text-align: right;"> <u>Muhammad Junaid Alam,</u> Civil Judge-II Tehsil Courts, Kalaya Orakzai</p>