

IN THE COURT ADDITIONAL DISTRICT JUDGE-II, QUETTA.
Civil Appeal No.14/2024

Kashif Nazeer Ahmed.
R/o Lehri Gate, Quetta.

... Appellant

VERSUS

Balochistan Board of Intermediate and Secondary Education,
Quetta.

... Respondent

**APPEAL REVISION UNDER SECTION 115 CPC
AGAINST THE ORDER DATED 12.03.2024 PASSED
BY SENIOR CIVIL JUDGE-I, QUETTA WHEREBY
SUIT FILED BY PETITIONER WAS DISMISSED.**

Mr. Alamgir Khan Advocate for Appellant.
Miss. Aksa Mehak for respondent/defendant.

JUDGMENT :
10th February, 2025

1. This appeal has been directed against the impugned order dated 12.03.2024 passed by the learned Senior Civil Judge-I, Quetta, (learned trial Court) whereby the suit of appellant was dismissed.

2. Briefly stated the facts for disposal of instant appeal according to appellant/plaintiff are that the appellant/plaintiff filed a suit against the respondent, seeking "Declaration, Correction of name and mandatory injunction". The respondent/defendant filed his written statement and contested the suit and out of the pleading of parties, the learned trial court formulated the following issues:

- i. Whether the father name of plaintiff is Nazeer Ahmed instead of Niaz Ahmed ?
- ii. Whether plaintiff is entitled to relief claimed for?
- iii. Relief?

3. After framing of issues, both the parties were directed by learned trial court to produce their evidence. In order to substantive his case the appellant/plaintiff produced PW-1 Khuram Mehboob son of Mehboob



Hussain. The case was fixed for further evidence, the learned trial court dismissed the suit of the appellant/plaintiff vide order dated 12.03.2024.

4. Being aggrieved and dissatisfied from the aforementioned impugned order dated 12.03.2024 passed by learned trial court, the appellant/plaintiff has preferred the instant appeal.

5. I have heard counsels for the parties and have gone through the available record and formulated the following points for determination:-

POINTS FOR DETERMINATION:-

1. Whether the impugned order dated 12.03.2024 passed by learned trial court suffers from irregularity and mis-appreciation of evidence?

2. Relief?

POINT NO.1:

Whether the impugned order dated 12.03.2024 passed by learned trial court suffers from irregularity and mis-appreciation of evidence?

6. The perusal of record reveals that appellant/plaintiff has filed a suit for declaration, correction of his father name as Nazeer Ahmed instead of Niaz Ahmed before the Court of Senior Civil Judge-I, Quetta. After institution of suit respondent/defendant filed his written statement wherein certain legal and factual objections were raised. It is important to mention that on 21.11.2023 the learned trial Court has framed issues and thereafter has also recorded the statement of one witness namely Khuram Mehboob as PW-1 and thereafter without providing further opportunity of producing evidence and recording the statement of petitioner/plaintiff the learned trial Court straight away dismissed suit of the petitioner/plaintiff, which in my view is irregularity and deviation from procedure, therefore, without further touching the merits and demerits of the case in the interest of justice the



instant revision is converted into appeal and same is hereby accepted and impugned order dated 12.03.2024 passed by learned Senior Civil Judge-I, Quetta is declared to be without lawful authority and of no legal effect, hence point No.1 is resolved in affirmative and in favor of appellant/plaintiff.

POINT NO.2:-

Relief?

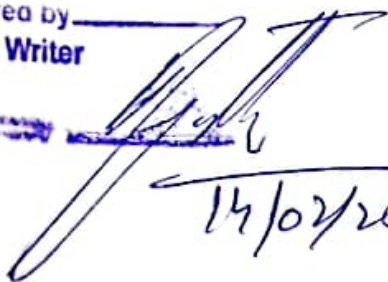
7. Since the material point No.1 has been decided in favour of the appellant/plaintiff, therefore, instant revision petition filed by petitioner/plaintiff is converted into appeal which is allowed and impugned order dated 12.03.2024 passed by learned trial Court is set aside and the case is remanded back to learned trial court Senior Civil Judge-I, Quetta to decide the same on merits after providing fair opportunity to both the parties to produce their evidence. Memo of appeal be prepared. Original record of the learned trial court be returned back. Copy of this judgment and decree of appeal be sent to learned trial court as required under order 41, rule 37 CPC. File after completion and compilation be consigned to record.

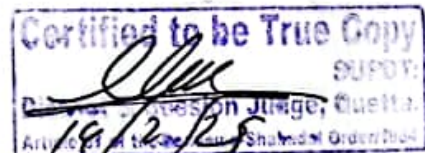
Given under my hand and seal of the court on this 10th day of February, 2025.

Announced in the open court.

Sd/-xxxxxxxxx
(JAHANZAIB KHAN)
Additional District Judge-II,
Quetta.

Compared by
Section Writer


14/02/25



DECREE IN APPEAL
ORDER UNDER SECTION 96 CIVIL PROCEDURE CODE.
IN THE COURT OF ADDITIONAL DISTRICT JUDGE-II QUETTA.
Civil Appeal No.14/2024

Kashif Nazeer Ahmed.
R/o Lehri Gate, Quetta. ... Appellant

VERSUS

Balochistan Board of Intermediate and Secondary Education.
Quetta. ... Respondent

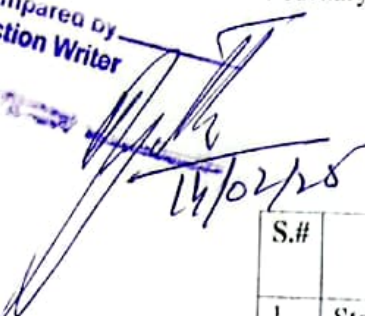
APPEAL REVISION UNDER SECTION 115 CPC
AGAINST THE ORDER DATED 12.03.2024 PASSED
BY SENIOR CIVIL JUDGE-I, QUETTA WHEREBY
SUIT FILED BY PETITIONER WAS DISMISSED.

This appeal coming on for hearing before me, JAHANZAIB KHAN, Additional District Judge-II, Quetta in the presence of counsels for the parties.

It is ordered that instant appeal is allowed and impugned order dated 12.03.2024 passed by learned trial Court is set aside and the case is remanded back to learned trial court Senior Civil Judge-I, Quetta to decide the same on merits after providing fair opportunity to both the parties to produce their evidence.

Given under my hand and seal of the court on this 10th day of February, 2025.

Sd/-xxxxxxxx
(JAHANZAIB KHAN)
Additional District Judge-II,
Quetta.

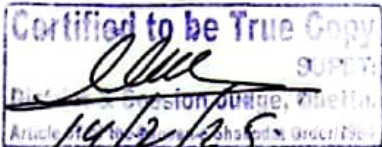
Compared by
Section Writer

14/2/25

COST OF APPEAL

S.#	Appellant	Amount	Respondents	Amount
1	Stamp for memo of appeal	Rs.15/-	Stamp for memo of appeal	Rs./-
2	Do of Power	Rs.05/-	Do of Power	Rs./-
3	Service of process	Rs.10/-	Service of process	Rs./-
3	Miscellaneous	Rs.00/-	Miscellaneous	Rs./-
4	Total	Rs.30/-	Total	Rs./-

Given under my hand and seal of the court on this 10th day of February, 2025.

Sd/-xxxxxxxx
(JAHANZAIB KHAN)
Additional District Judge-II,
Quetta.


14/2/25