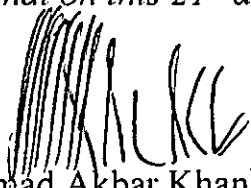



ORDER

21.10.2024 Mr. Kalim Arshad Khan, Chairman:- Learned counsel for the petitioner present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. The Tribunal vide order dated 16.04.2024 converted the appeal into an application under section 12(2) of the CPC. Learned counsel for the petitioner submitted that the issue involved in the matter was basically assumption of jurisdiction by the Tribunal in appeal No. 7439/2021 dated 25.03.2022, which, according to the learned counsel for the petitioner, was in contradiction of the judgment of Honorable Peshawar High Court, passed in Writ Petition No. 2045/2022 titled "Muhammad Javed versus Government of Khyber Pakhtunkhwa", decided on 04.10.2023 so he wants to move a proper application under Section 12(2) of CPC raising the grounds mentioned in the said section and also challenging the order passed in appeal No. 7439/2021 dated 25.03.2022. While disposing of this appeal we allow the petitioner to make proper application under Section 12(2) CPC subject to limitation. Consign.

3. *Pronounced in open court and given under our hands and seal of the Tribunal on this 21st day of October, 2024.*


(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman