

7

Order # 12
30.07.2015

Barred
H.R.O. 30.7.15

Counsel for the plaintiff present. Government pleader for the defendant
Defendant/petitioner submitted an application for rejection of plaint under order 7 rule 11 CPC. Written reply received, arguments heard, record perused.
Plaintiff has sought cancellation of notice dated 31.10.2013 issued by the defendant, restraining plaintiff from running a sheesha smoking café.
It is contended by the petitioner/defendant that suit of the plaintiff is baseless and malafide, which is also barred by law, having no cause of action, hence liable to be rejected under order 7 rule 11 CPC.

Perusal of the record reveals that, plaintiff has challenged the notice issued by the defendant dated 31.10.2013, whereby plaintiff was directed to stop running a sheesha smoking café, which is illegal practice and against the law. Notification of the government of KPK, Home and Tribal Affairs Department, bearing # 2/20-SO(M)/HD/2012, copy of which is available on file, reveals that the government has imposed a ban on sheesha smoking at all public places including restaurant, hotels, motels, students canteens and other such places as per rules and policy. In pursuance of the said notification of the government the Deputy commissioner Abbottabad, issued a circular bearing endorsement # 258-64 dated 30.01.2013.

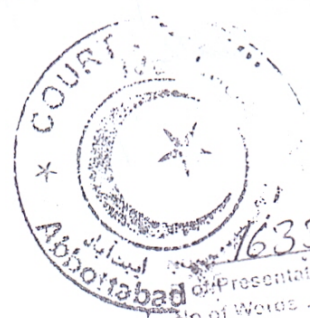
In presence of the above, directions of the government, sheesha smoking has been banned in the province of KPK. No one can be allowed to run business of sheesha smoking, as the same and other Tobacco uses is posing serious threat to the health of the people and environment and specially when used in public places, it becomes danger to the health of non smokers.

In view of the above the matter in hand comes within the ambit of order 7 rule 11 (d) CPC, hence plaint is hereby rejected. No cost. File be consigned to record room after its completion and completion.

Announced
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30.07.2015
Government Pleader
& Session Judge
Abbottabad

Muhammad Shoaib
Civil Judge IV,
Abbottabad

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Date 17/09/15
Presentation Application
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