

INTRODUCTION TO PLEADINGS & ISSUES

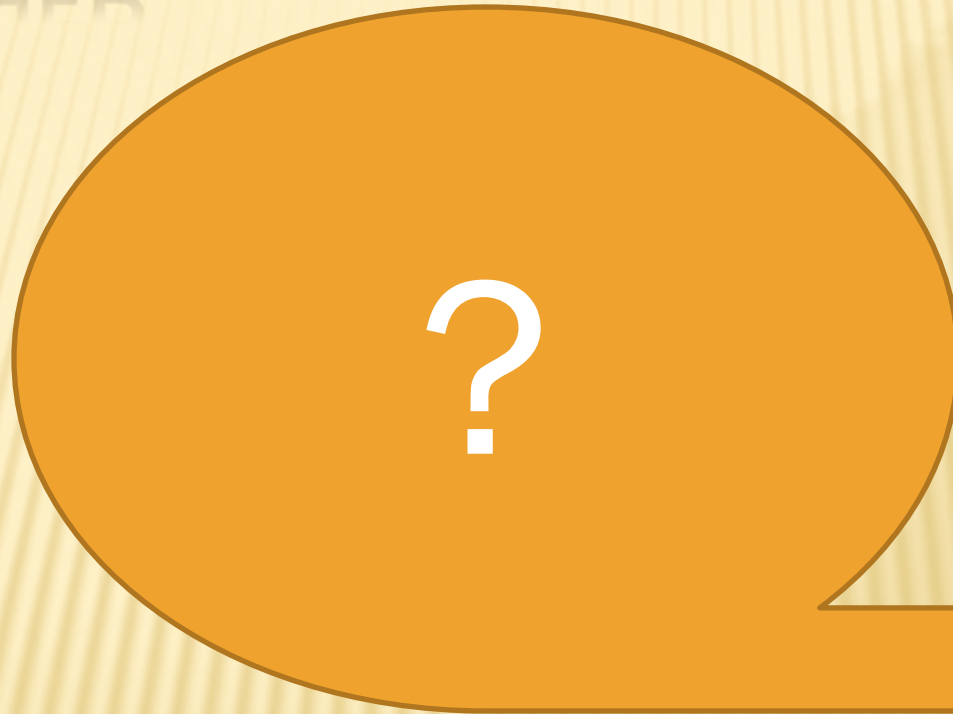
By

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WHAT WE EXPECT TO LEARN FROM EACH OTHER



PLEADINGS.....

Statement in writing , drawn up by the parties, stating that his/their contention will be at the trial giving all the details which his opponent has to answer

WHY PLEADINGS ?

- × Demand of Sharia
- × Establish norm..... Documented
- × Demand of justice & Fair Play
- × Facilitate the appellate court
- × Stance of the parties made known
- × The matter in issue is shrinked
- × Court is assisted and time is saved
- × Conflict is restricted... cant go beyond without the leave of the court
- × Advance Justice
- × Prevent multiplicity of litigation

MEANING

Plaint/petition and Written
Statement/reply

Contracts?

Promissory
notes?

Briefs?

LAW ON THE SUBJECT

- ✘ The law of pleadings and conveyancing ?
- ✘ The Civil Procedure Code
- ✘ The Criminal Procedure Code
- ✘ The Frontier Crimes Regulation

CIVIL CASE—COGNIZANCE

- ✘ Section 8, FCR
- ✘ Application..... (No 11824 G)
- ✘ Referred by Quami Jarga S.11(b)

ESSENTIALS OF PLEADINGS.....

- ✘ Written
- ✘ Concise
- ✘ Contain a claim/defense.... Material facts(facta probanada)
- ✘ Paragraphed, dated, numbered
- ✘ Law should not be stated.....
- ✘ Shall contain no evidence(facta probanitia)

PARTICULARS ... DETAILS OF THE CASE SET UP

- ✘ Cause of action....Allegations to be particularly set up
- ✘ Clear... not vague
- ✘ Fraud Kind and particulars of fraud should be stated
- ✘ Undue influence ...
- ✘ Defamation Particulars of every head
- ✘ Name of court, place, residence of the parties, relief claimed

✕ Issues

ISSUES..... REFERENCE

- The essence of a controversy
- ✘ The boundary of a controversy
- ✘ The matter in controversy
- ✘ Burden of proof
- ✘ Narrow down the points of difference

KINDS

- × Issues of law
- × Issues of facts
- × Mixed

NATURE

- ✘ Deep Issue
- ✘ Superficial

MATERIAL

- ✘ Complaint/Petition
- ✘ Written statement/reply
- ✘ Allegations made on oath
- ✘ Contents of the documents

THANKS

QUESTIONS....?