

(29)

IN THE COURT OF REHMAT ULLAH WAZIR,
SENIOR CIVIL JUDGE/JUDGE FAMILY COURT, ORAKZAI

Family Suit No. 4/3 of 2022

Date of Institution: 29.08.2022

Date of Decision: 28.01.2023

Naik Badshah s/o Abdul Badshah

R/O Sra Garhi, Qoum Rabia Khel, Tappa Piawo Khel, Tehsil Ismail
Zai, District Orakzai (Plaintiff)

VERSUS

Mst. Zainab Bibi w/o Naik Badshah

R/O Moza Tappi, District Kohat (Defendant)

SUIT FOR RESTITUTION OF CONJUGAL RIGHTS

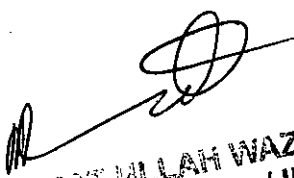
JUDGMENT:

Through this judgment I intend to dispose-off the instant suit, instituted on 29.08.2022, through which the plaintiff sought for restitution of conjugal rights.

Brief facts of the case are that the marriage of the

parties was contracted according to Shariat-e-Muhammadi.

That the dower of the plaintiff was fixed as 04 tolas Gold in the shape of gold ornaments, 04 pairs of clothes, 04 pairs of Bata sandals and 01 Burqa. That at the time of Rukhsati, the plaintiff gave amount of Rs. 200,000/- to the parents of the defendant as head money. That after Rukhsati, the defendant began to live in the house of the plaintiff as a wife and she was discharging her


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matrimonial obligations. That the attitude of the parties was pleasant in the beginning but later on, the attitude of the defendant changed and she used to quarrel with the plaintiff and became disobedient. That at last, the defendant left the house of the plaintiff in his absence and took household articles along with Rs. 200,000/- cash, gold ornaments of her sister in law weighing 02 tolas and wrist watches with herself. That the defendant is residing with her parents and the plaintiff is ready to keep her as a wife in his house according to Sharia but the parents of the defendant are not allowing her to live with the plaintiff.

That the defendant was asked time and again to admit the claim of the plaintiff but she refused, hence, the present suit.

Defendant was summoned, who failed to appear before the court, hence, placed and proceeded ex-parte.

Plaintiff produced ex-parte evidence. During the ex-parte evidence, the plaintiff produced witnesses, in whom the plaintiff himself appeared as PW-01 who narrated the same story as in the plaint and exhibited his CNIC as Ex.PW-1/1. Further, the one Muhammad Noor s/o Marwar Khan, a friend of the plaintiff, appeared as PW-02, who fully supported the stance of the plaintiff by narrating the same story as in the


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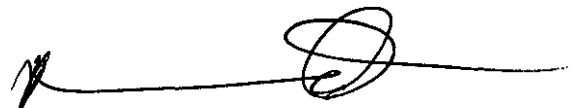
plaint and exhibited his CNIC as Ex.PW-2/1. Further, the one Muhammad Rafeeq s/o Nazir Badshah, a neighbor of the plaintiff, appeared as PW-03, who also supported the stance of the plaintiff by narrating the same story as in the plaint and exhibited his CNIC as Ex.PW-3/1. Further, the one Gul Raheem s/o Zaar Muhammad, appeared as PW-04 who also supported the stance of the plaintiff by narrating the same story as in the plaint.

Ex.Parte Arguments heard and record perused.

After hearing of ex-parte arguments and perusal of the record, I am of the opinion that the plaintiff established his claim through cogent and reliable evidence in ex-parte and there is nothing in rebuttal, therefore, the court is left with no other option, hence, the suit of the plaintiff is hereby *ex-parte decreed as prayed for with costs.*

File be consigned to record room after its necessary completion and compilation.

Announced
28.01.2023




(Rehmat Ullah Wazir)
SCJ/JFC,
Orakzai (at Baber Mela)

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CERTIFICATE

Certified that this judgment of mine consists of four (04) pages,
each has been checked and corrected where necessary and signed by
me.


(Rehmat Ullah Wazir)
SCJ/JFC,
Orakzai (at Babe Mela).