

Or.....13  
15.02.2023

**Present:**

Petitioner No.01 in person along with counsel.  
Respondent No.01 in person along with counsel.

Argument by the counsel for the petitioners already heard while argument by the counsel for the respondents heard today.

1. This order is intended to dispose of an application for grant of temporary injunction filed by the plaintiff against the defendants.
2. Brief facts of the case are that the plaintiffs have filed the instant suit for declaration, permanent injunction and recovery of possession to the effect that the plaintiffs/petitioners (here in after referred as plaintiffs) are owners of suit property detailed in the head note of the plaint. The plaintiff contended that the suit property is their ancestral property. They further contended that defendant No.1 was tenant of the plaintiffs and the suit property along with a house was handed over to the defendant no.1 for safe keeping. The plaintiff prayed through the instant application that the defendants shall be restrained from interference in the suit property.
3. The defendants/respondents contested the suit by filing written statement and reply of the application for grant of temporary injunction. In the written statement the defendants/respondents contended that the suit property is their ownership and is in their possession since long.
4. Detailed arguments on application for grant of temporary injunction heard and record perused. **(Continued...)**

*Sami Ullah*  
**Sami Ullah**  
Civil Judge/JM-I  
Orakzai at (Babar Mela)

5. Learned counsel for the plaintiff/petitioner argued that plaintiff/petitioner has got a prima facie case. Balance of convenience also lies in his favor and that if temporary injunction is not granted, he would suffer irreparable loss and lastly prayed for the acceptance of the application.
6. The other side fully resisted the application through arguments.
7. It is well settled law that for grant of temporary injunction, a party has to prove three essential ingredients i.e., prima facie case in his favor, balance of convenience tilts in his favor and in case injunction is not granted, he would suffer irreparable loss. Insofar, as the instant case is concerned, plaintiff is claiming that they are owners of the suit property and defendant have no concern with the same. Plaintiff has not annexed with his plaint any reliable documentary proof in support of his claim and contention. On the other hand, the defendants totally denied the claim of the plaintiff rather claimed the same as their ancestral property and that the same has been in their possession and utilization since long. There is nothing in the shape of any relevant document from which, it could be presumed that tentatively that the plaintiffs are owners in possession of the suit property. Also, there is no admission in the written statement in favor of the plaint rather there is a straight denial. Furthermore, the description of suit property is not clear and the temporary injunction cannot be granted when the same has not been specified and fully detailed. **(Continued...)**

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Civil Judge/JM-I  
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8. Therefore, as a result of above discussion, the plaintiff failed to establish his claim prima facie, what to say of the balance of convenience and irreparable loss.
9. Thus, the three necessary ingredients for the grant of temporary injunction do not exist in favor of the plaintiff, therefore, the application in hand is hereby **Dismissed**. Costs shall follow the event.

This Civil Miscellaneous file be consigned to record room after its necessary completion and compilation. Copy of this order be placed on original suit file.

**Announced**  
15.02.2023

*Sami Ullah*  
**Sami Ullah**  
Civil Judge-I,  
Orakzai at Baber Mela.