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COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Case Title: Irfan Khan etc VS DPO, Orakzai etc

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 09	22.02.2023	<p>Presence as before. Through my this single order, I intend to dispose an application for the grant of temporary injunction filed by the petitioners against the respondents.</p> <p>This application was strongly contested by the other party by filing replication and forwarding arguments thereto.</p> <p>Arguments heard and record perused.</p> <p>After hearing of arguments and perusal of the record I am of the opinion that for the grant of temporary injunction, one will have to establish prima facie case, balance of convenience and irreparable loss in his favour. The claim of the petitioners is that they are the owners of the suit property but they were dispossessed of the same when they were made IDPs. That all of the other tribes have ended their IDP status but they have been kept so and the respondents are still in possession of the houses of the petitioners built over the suit property and the landed property approximately 40 Jareeb in total and they are utilizing the whole of the property by ploughing the same and cutting trees over the same and are not allowing the petitioners to enter upon the suit property. That the respondents have nothing to do with the suit property. But the petitioners have neither annexed any document w.r.t their ownership of the suit property from which it could be presumed that they are the owners of the same nor any admission has been made by the respondents in their written statement rather the respondent No. 02 to 05 have claimed the suit property as their ancestral property and</p>

REHMAT ULLAH WAZIR
Senior Civil Judge/JM,
Orakzai at Baber Mela

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<p>Order No. 09 Continued</p>	<p>22.02.2023</p>	<p>have alleged that the petitioners were the cultivators of the same and have also denied the petitioners as the local inhabitants of the District Orakzai.</p> <p>Thus, in these circumstances, tentatively the petitioners failed to establish their claim prima-facie what to say of the two other necessary ingredients for the grant of temporary injunction in the shape of balance of convenience and irreparable loss. Thus, the three necessary ingredients for the grant of temporary injunction do not favour the petitioners, hence, the application for temporary injunction is hereby dismissed and the status quo granted earlier is hereby vacated with costs</p> <p>File be consigned to the record room after its necessary completion and compilation.</p> <p><u>Announced</u> 22.02.2023</p> <p> (Rehmat Ullah Wazir) Senior Civil Judge, Orakzai (at Baber Mela)</p>
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