

IN THE COURT OF ZAHIR KHAN CIVIL JUDGE-I, KALAYA, ORAKZAI

Case #	=	71/1 of 2022.
Date of Institution	=	18.07.2022.
Date of Decision	=	02.03.2023.

Muhammad Alam S/O Muhammad Ghulam, R/O Qaum Mishti, Central Orakzai

.....*Plaintiff*

Versus

Abdul Wali S/O Sabeel Khan, R/O Qaum Mishti, Central Orakzai presently residing at Jarma, Kohat

.....*Defendant*


SUIT FOR RECOVERY OF RS. 700,000/- OR RETURN OF VEHICLE AS ALTERNATE

ORDER. No. 15
02.03.2023

Plaintiff present. Ex-parte arguments already heard and record perused.

Through this ex-parte order, I will decide the suit in hand filed by plaintiff Muhammad Alam against the defendant Abdul Wali.

Brief facts as per averments of plaint are that plaintiff has filed the instant suit for recovery of Rs. 700,000/- and return of vehicle as alternate to the effect that plaintiff sold his Vego Pick-up, bearing registration No. RU 336, Islamabad, Model 2007, vide sale deed dated 08.10.2018 in lieu of Rs. 3,000,000/-. That out of sale consideration, Rs. 1,500,000/- was paid by defendant and the remaining amount Rs. 1,500,000/- was promised to be paid on 15.04.2014, out of which Rs. 800,000/- was paid and remaining amount of Rs. 700,000/- is still


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outstanding. Plaintiff demanded the remaining amount (Rs.700,000/-) or return of the vehicle but in vain, hence, the present suit.

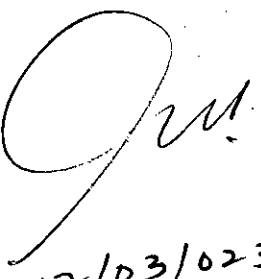
Defendant was summoned, who did not appear before the court despite service. therefore, he was placed and proceeded against ex-parte. Thereafter, plaintiff was allowed to produce his ex-parte evidence accordingly.

After submission of list of witnesses, plaintiff produced three witnesses in support of his claim and contention and closed his evidence.

Plaintiff namely Muhammad Alam himself appeared and deposed as PW-03 and reiterated the averments of plaint. Copy of registration book of vehicle is Ex PW-1/1. Sale deed dated 28.10.2013 is Ex. PW-1/2. Iqrar Nama is Ex. PW-1/3. Copy of his CNIC is Ex. PW-1/4. He lastly requested for decree of suit against defendant as prayed for.

Luqman Shah (marginal witness) and Abdullah Shah appeared and deposed as PW-02 and PW-03 respectively. They fully supported the claim of plaintiff. Photocopies of their CNICs are Ex-PW-2/1 and Ex-PW-3/2 respectively. Copy of Jirga decision is Ex. PW-3/1.

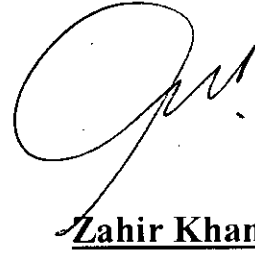
As there is nothing in rebuttal due to ex-parte and plaintiff produced cogent, convincing and reliable oral and documentary evidence in support of his claim and contention, therefore, suit of plaintiff is hereby ex-parte decreed as prayed for. No order as to cost.


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

ANNOUNCED
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