

IN THE COURT OF SYED ABBAS BUKHARI,
CIVIL JUDGE-II TEHSIL COURTS, KALAYA, ORAKZAI

Civil Suit No. 06/1 of 2021
Date of Original Institution: 12.07.2021
Date of Transfer In: 09.03.2023
Date of Decision: 27.03.2023

Rameen Gul Son of Deedan Gul, resident of Qaum Sheikhan,
District Orakzai.

(Plaintiff)

VERSUS

1. **Sadi Khan Son of Khushal Khan,**
2. **Muhammad Saleem Khan Son of Qadar Khan and**
3. **Maroof Son of Haji Noor Habib**, all residents of Qaum Bezot
District Orakzai.

(Defendants)

SUIT FOR RECOVERY

Ex-Parte Judgment/Order:

27.03.2023

Vide this ex-parte order I intend to dispose of suit captioned above.

It is a suit of plaintiff against defendants for recovery of Rs. 700,000/-.

Brief facts of the case as narrated in the plaint are that parties to the suit owned a coal mine jointly. Later on disputes between plaintiff and defendants arose and several jirgas were held between the parties to resolve the controversy and finally the elders of the locality patched up the matter and defendants agreed to pay money to plaintiff. In this respect plaintiff also moved an application to DPO, Orakzai on 24.06.2019 but defendants did not appear before

the police while elders of locality appeared in the police station and recorded their statements wherein they stated that the money of plaintiff is outstanding against defendants. The defendants were time and again requested to pay Rs. 07 lacs to plaintiff but they after exercising delaying tactics finally refused, hence instant suit.

After institution of the instant suit the defendants were summoned and accordingly defendant No. 1 & 3 initially appeared before the court in person, however, subsequently they were placed and proceeded as ex-parte due to non-appearance. Defendant No. 2 was summoned through application in daily Ausaf but he also failed to appear before the court, hence, placed and proceeded ex-parte. Thereafter, plaintiff was directed to produce his ex-parte evidence, which he did accordingly and examined 03 PWs and closed his evidence. Thereafter ex-parte arguments were advanced by counsel for the plaintiff.

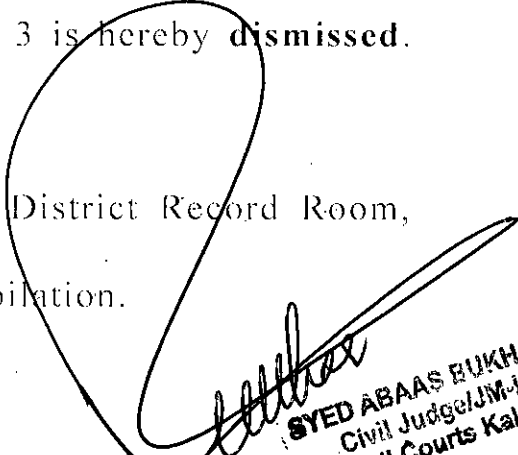
Now on perusal of record, evidence produced by plaintiff and valuable assistance of learned counsel for the plaintiff to this court is of the humble view that all the PWs deposed in light and support of the stance of plaintiff previously alleged in the plaint. Furthermore, due to ex-parte proceedings nothing in rebuttal or contradictory is available on the record. It is also worth mentioning here that all the 03 PWs have deposed in their examination in chief that

defendant No.3 had paid a sum of Rs. 250,000/- to plaintiff and in this respect a deed was also scribe, which is available on file as Ex. PW-1/1. In given circumstances, payment of defendant No. 3 to plaintiff establish and strengthen the stance of plaintiff alleged previously in the plaint. Furthermore, perusal of Ex. PW-1/1 would further reveal that claim of the plaintiff to the extent of defendant No. 3 had been addressed and nothing is outstanding against defendant No. 3.

In light of the above discussion, instant suit of plaintiff is hereby ex-parte decreed against defendant No. 1 & 2 to the extent of recovery of Rs. 450,000/- only while the claim to the extent of defendant No. 3 is hereby **dismissed**.
No order as to costs.

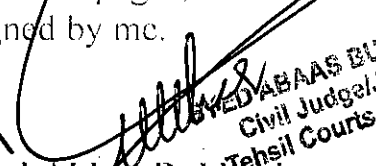
File be consigned to the District Record Room, Orakzai after its completion and compilation.

Announced
27.03.2023


Syed Abbas Bukhari
Civil Judge-II,
Tehsil Courts, Kalaya, Orakzai

CERTIFICATE

Certified that this judgment of mine consists of 03 pages, each has been checked, corrected where necessary and signed by me.


Syed Abbas Bukhari,
Civil Judge-II,
Tehsil Courts, Kalaya, Orakzai