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29.03.2023

Parties present. Vide this order I intend to dispose of instant application for contempt of court filed by the petitioner.

Arguments already heard and record perused.

Now on perusal of the record and valuable assistance of both the learned counsels for the parties, this court is of the view that petitioner had alleged in the instant contempt application that the respondents in violation to the orders previously passed by this court had constructed a shop and thus committed the contempt of court orders. Contrary to this the respondents allege that they have not violated any order passed by this court rather the suit of petitioner was previously dismissed in default on 01.07.2022 and after dismissal of the said suit, they had constructed subject shop as after dismissal of the suit no injunction existed in favor of petitioner. In given circumstances, the petitioner also admitted before this court that disputed shop was completely constructed after dismissal of the suit. It is also worth mentioning here that initially during the pendency of the suit the respondents started constructing shop over the suit property but after grant of status quo in favor of petitioner they stopped construction. Furthermore, after dismissal of the suit, they once again started construction and thus completed the shop. In given circumstances, this court is of the view that as the respondents constructed and completed the disputed shop after dismissal petitioner's suit, hence, no contempt of court orders has been committed by the respondents, for the reason that after dismissal of suit no injunctive order in favor of petitioner was in field.

In light of above discussion instant contempt of court application is hereby **dismissed** being meritless. No order as to costs.

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

Announced:

29.03.2023


Syed Abbas Bukhari

Civil Judge-II,

Tehsil Court Kalaya, Orakzai

SYED ABAAS BUKHARI
Civil Judge-II
Courts Kalaya