

Order...06  
14.04.2023

Parties present. Arguments on point of maintainability of the contempt of court petition already heard and record perused.

Brief but relevant facts are that the present petitioners filed a civil suit titled Manzoor Ali and others Vs Asal Badshah and others on 15.02.2023 and an application for grant of temporary injunction was annexed with the plaint and after hearing the preliminary arguments on the application, status quo was granted on the suit property vide order dated: 15.02.2023. The petitioner handed over copy of stay order to SHO on 16.02.2023 but the same was not implemented.


Petitioners have contended that defendants have violated order dated: 15.02.2023 passed by this court by leveling/making play ground in the suit property, therefore, respondents be proceeded against accordingly.

Keeping in view the pleadings and available record on file that the instant petition is not maintainable and no further evidence is required in the same for the reasons mentioned hereinafter.

There is nothing on record which could show that respondent No. 2 violated the court order. Furthermore, court bailiff was directed to visit the spot and submit his report. Report of court bailiff/process server dated: 04.03.2023 is placed on file as per which the suit property consists of ground and is used for playing cricket. The report further states that no construction activity is evident on the spot. Petitioners failed to establish that respondents have violated injunctive order of the court, resultantly, petition in hand stands **Dismissed**. No order as to cost.

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

Announced  
14.04.2023

  
**Sami Ullah**  
Judicial magistrate-I  
Orakzai at Baber Mela