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IN THE COURT OF ADDITIONAL SESSIONS JUDGE ORAKZAI, AT BABAR MELA

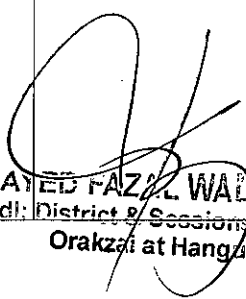
Civil Misc. Appeal No. 5/14 of 2023

Date of institution: 17.05.2023

Date of decision: 07.06.2023

Gul Nawaz etc. Vs Ajeb Ali etc.

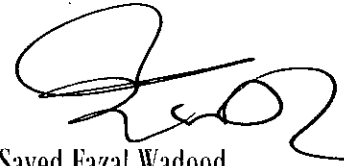
Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	07.06.2023	<p>Mr. Insaf Ali Advocated for appellants and Mr. Shaukat Hussain Advocate for respondents are in attendance. District Attorney of Orakzai is also before the Court with the stance that he is going to file application for impleadment as the property under dispute has already been acquired by the Food Department Khyber Pakhtunkhwa for establishing Food Grain Storage and construction of the project has been suspended due to injunctive order of the Court.</p> <p>2. Through instant civil misc. appeal, appellants have questioned the validity of Order dated 13.08.2023 passed by learned Civil Judge-II, Kalaya, Orakzai vide which interim injunction was not granted in favour of the appellants.</p> <p>3. Short arguments heard and available record gone through.</p> <p>4. Perusal of available record transpires that plaintiffs/appellants have filed a suit for permanent injunction against co-sharers with the prayer in alternative for possession through partition. As per record, since the application which has been filed by the plaintiffs/appellants for issuance of temporary injunction has neither been contested by the defendants as they have not submitted their written statement/reply nor it has been finally decided yet, therefore, it is deemed suitable not to discuss the merits of the case regarding the three essential ingredient being required for the issuance of temporary injunction less the same may be prejudice to the rights of the parties as well as it will affect the judicial mind of the learned Trial Court.</p> <p style="text-align: right;">In the given circumstances, as the application for</p>


SAJID FAZAL WAD
Addl. District & Sessions Judge
Orakzai at Hangza

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temporary injunction has not been decided yet; therefore, let the parties may appear before the learned Trial Court; wherein, the defendants are directed to submit their written statement as well as written reply to the application while learned Trial Court is directed to provide an opportunity to the parties for hearing and to decide the same application on its merits within short possible time. The instant appeal is disposed of accordingly. Parties are directed to appear before the learned Trial Court on the date already fixed.

6. File of this court be consigned to Record Room after completion and compilation.



Sayed Fazal Wadood,
AD&SJ, Orakzai at Baber Mela