

Or-----08  
27/11/2019

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*Plaintiff in person present.*

*Defendant in person present.*

(1) On the previous date learned counsel for the parties were heard on the following issue:

Issue: Whether matter in issue regarding construction and demolition of disputed house was decided by then Political administration or still pending for adjudication?

Today is the date fixed for order on the same.

(2) Perusal the substance of the plaint it appears that plaintiff is seeking relief of Declaration along with Perpetual and Mandatory Injunction to effect that Plaintiff is the owner and in possession of the suit property (fully described with surroundings/boundaries) in the heading of the Plaint. *As per Plaint*, Plaintiff has started construction work on the second floor of his house and defendant is interfering and stopping construction work.

(3) Perusing the available record on the case file and going through the pleading of the parties it appears that the main contention of the plaintiff is to restrain defendant from interfering in construction work of the Plaintiff at the second floor of his house. There is not dispute to *Title* of the Suit property.

(4) Regarding Construction; *at the time of erst while FATA regime*, that issue was decided finally by then competent authorities. Even perusing report of then Naib Tehsildar Central Orakzai Dated: -10-01-2019 (available on the case file), Jirga Verdict was also executed. Plaintiff also received compensation and through the said Jirga Verdict the mode and manner for future Plaintiff's construction was also settled.

(5) Meaning thereby that there is nothing before this court for adjudication. Instant case of the Plaintiff being meritless, without any cause of action and suffering from factual and legal defects hereby stands disposed of accordingly. Although plaintiff may bring fresh suit with fresh cause of action, whenever necessity arises.

(6) This case file be consigned to record room after necessary completion and compilation.

**Announced**  
**27.11.2019**

Muhammad M. Imtiaz  
Civil Judge - II  
Orakzai District  
(M. Imtiaz)  
Civil Judge -II, Orakzai

# DECREE SHEET

## IN THE COURT OF MUHAMMAD IMTIAZ CIVIL JUDGE-II ORAKZAI

Suit No. 07/1 of 2019

Date of institution.....25.06.2019

Date of decision .....27.11.2019

(1) Azram Khan S/O Zarmat Khan, R/O Mishti, Mamizai, Chappar,  
Tehsil Central, District Orakzai.

..... (Plaintiff)

### **VERSUS**

(1) Shakir Salim S/O Mir Ahmad Khan, R/O Mishti, Mamizai, Chappar,  
Tehsil Central, District Orakzai.

.....(Defendant)

## **SUIT FOR DECLARATION, PERPETUAL AND MANDATORY INJUNCTION**

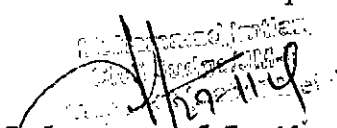
1. This suit coming on the date 27<sup>th</sup> day of November 2019 for final disposal before me, in presence of parties in person.
2. Regarding Construction; at the time of erst while FATA regime, that issue was decided finally by then competent authorities. Even perusing report of then Naib Tehsildar Central Orakzai Dated: -10-01-2019(available on the case file), Jirga Verdict was also executed. Plaintiff also received compensation and through the said Jirga Verdict the mode and manner for future Plaintiff's construction was also settled.
3. Meaning thereby that there is nothing before this court for adjudication. Instant case of the Plaintiff being meritless, without any cause of action and suffering from factual and legal defects hereby stands disposed of accordingly. Although plaintiff may bring fresh suit with fresh cause of action, whenever necessity arises.

**Announced**  
**27/11/2019**

### **COSTS OF SUIT**

PLAINTIFF	CONTENTS	DEFENDANT
	Stamp on suit	
	Pre-emption amount	
	Commission fee	
	Stamp of power	
	Proclamation fee	
	Witness expensive	
	Court fees	
	Total	

Note: Given under my hand signature and seal stamp of this court on 27<sup>th</sup> day of, November, 2019.

  
**Muhammad Imtiaz**  
**Civil Judge-II, Orakzai.**