IN THE COURT OF SYED ABBAS BUKHARI,

CIVIL JUDGE/FAMILY JUDGE-II TEHSIL COURTS, KALAYA, ORAKZAI

Civil Suit No.
Date of Original Institution:
Date of Transfer in:
Date of Decision:

8/1 of 2021 03.08.2021 08.03.2023 31.05.2023

Shahid Gul S/O Meraj Gul, resident of Qoum Mishti, Tappa Darvi Khel, Shal Zara, District Orakzai.

.....(Plaintiff)

VERSUS

- 1. Muhammad Nawaz S/O Kabal Khan and
- 2. Ranzeb S/O Olas Khan; both residents of Qoum Mishti, Tappa Darvi Khel, Tehsil Central District Orakzai.

.....(Defendants)

SUIT FOR DECLARATION -CUM- PERPETUAL AND MANDATORY INJUNCTION, POSSESSION

Ex-Parte Judgment/Order:

31.05.2023

Vide this ex-parte order I intend to dispose of the instant suit, through which the plaintiff sought for grant of following decrees:-

- 2. It is a suit from plaintiff against defendants for declaration cum permanent and mandatory injunction to the effect that plaintiff is owner in possession of suit property named as Haneef Seera, fully detailed in the headnote of the plaint since the time of his. forefathers and thus defendants had got to right to interfere with
 - the suit property or to use the suit property as passage towards their coal mines or to illegally dispossess plaintiff from the suit property.
- 3. Brief facts of the case as narrated in the plaint are that, plaintiff state that he is owner in possession of suit

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property named as *Haneef Seera* since the time of his predecessors. The defendants have got not right to use suit property as passage towards their coal-mines and further to forcefully and illegally dispossess the plaintiff. Defendants were asked time and again not to interfere in the suit field, but they refused, hence, the instant suit.

Defendant were summoned and accordingly they initially appeared before the court in person and submitted their written statement. However, subsequently they failed to appear before the court and were placed and proceeded as 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 and furthermore, due to exparte proceedings nothing in rebuttal or contradictory is available on the record. Furthermore, perusal of the deed dated: 10.08.2018, annexed with the written statement by defendants, would reveal that said agreement was executed in respect of Raigay Pattay while plaintiff through instant suit

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4.

5.

claim his ownership over Hanif Seera Pattay. Hence the properties mentioned in the respective pleadings of the parties are different.

In light of the above discussion, instant suit of plaintiff is hereby ex-parte **decreed** against defendants for the relief as prayed for. No order as to posts.

File be consigned to the Distric Record Room, Orakzai

SYED ABB

after its proper completion and compilation.

Announced 31.05.2023

CERTIFICATE

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

SYED ABBAS BUKHARI,

Civil Judge-II, ehsil Courts, Kalaya, Orakzai

BUKHARI

Civil Judge-II, Tehsil Courts, Kalaya, Orakzai