

**IN THE COURT OF FARMAN ULLAH,**  
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

(23)

**Original:**

Civil Suit No. 68/1 of 2019  
Date of Institution: 25/09/2019

**After transfer in:**

Civil Suit No. 286/1 of 2020  
Date of Institution: 03/06/2020  
Date of Decision: 26/09/2020

1. **Qudrat Ullah s/o Abdul Kareem**
2. **Shamsheer Khan s/o Gul Kareem**
3. **Jahanzeb Khan s/o Fazal Kareem**

Resident of Caste Mishti, Tappa Darvi Khel, village Shelzara, Tehsil Central &  
District Orakzai (Plaintiffs)

VERSUS

1. **Adam Khel s/o Gul Muhammad.**
2. **Bakhtiar Khan s/o Sunat Khan.**

Resident of Caste Mishti, Tappa Darvi Khel, village Shelzara, Tehsil Central &  
District Orakzai.

(Defendants)

**SUIT FOR DECLARATION & PERMANENT INJUNCTION**

**SUMMARY JUDGEMENT:**

**26.09.2020**

1. Brief facts of the case in hand are that plaintiffs filed a suit for declaration, permanent and mandatory injunction to the effect that plaintiffs are owner in possession of disputed property while defendants have got no concern with it. But in spite of this, defendants are illegally interfering in disputed property and are restraining plaintiffs from raising construction in disputed property. That various Jirgas were held between the parties and as a result of which defendants were held aggressor but even then, defendants are inclined to interfere in disputed property hence, defendants be restrained from any sort of interference in disputed property.

2. Defendants were summoned, on which defendant No.1 appeared before the court and submitted his written statement wherein he admitted property as owner in possession of plaintiffs and denied interference in disputed property. However, he contended that he is owner in possession of property adjacent to disputed property and further contended that plaintiffs are raising construction in disputed property and there is likelihood of throwing the waste water of their house in the property of defendant No.1. hence, plaintiffs be restrained from doing so.

3. Defendant No.2 appeared before the court on 01.10.2019 and he was directed to submit his written statement but thereafter he did not appear before the court and thus proceeded ex-parte on 23.10.2019.

Learned counsel for the plaintiff and defendant No.1 heard and record gone through.

5. From the plaint it is evident that plaintiffs are claiming to be owner in possession of disputed property and are seeking injunctive order to the effect that defendants be restrained from interference in disputed property while written statement of defendant manifest that defendant has got no adverse claim of ownership and possession over disputed property. He has only apprehension that construction of plaintiffs may adversely affect his property situated adjacent to the disputed property as the waste water of the house of plaintiffs may fall in his property.

**FARMANULLAH**  
Senior Civil Judge  
Orakzai at Baber Mela  
26.9.2020

25

So, keeping in view the available record it is clear that there is no dispute of title of suit property between the parties. The pleadings of both the parties are sufficient to decide the case in hand without recording evidence in the instant case. Keeping in view the admission of defendant in the written statement, suit of plaintiffs is decreed as prayed for. However, plaintiffs would be also bound to make necessary arrangement for the waste water of their house, so that the adjacent property of defendants may not be affected.

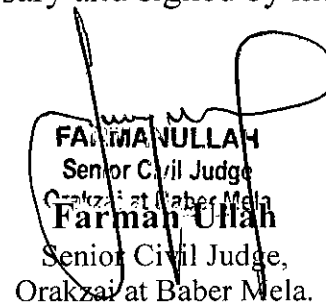
6. No order as to costs.
7. File be consigned to the record room after its necessary completion and compilation.

**Announced**  
26/09/2020

  
Senior Civil Judge  
Orakzai at Baber Mela.  
**Farman Ullah**  
Senior Civil Judge,  
Orakzai at Baber Mela.

**CERTIFICATE**

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

  
**FARMANULLAH**  
Senior Civil Judge  
Orakzai at Baber Mela.  
**Farman Ullah**  
Senior Civil Judge,  
Orakzai at Baber Mela.