

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

Civil Suit No. 323/1 of 2020
Date of Institution: 21/07/2020
Date of Decision: 23/12/2020

(24)

Syed Rapeel Hussain s/o Syed Shiraz Gul (Plaintiff)

Versus

Abdul Ghafoor (Defendant)

SUIT FOR RECOVERY OF RS. 220,000/-

Ex-Parte Judgement
23.12.2020

Brief facts of case in hand are that the plaintiff, **Syed Rapeel Hussain s/o Syed Shiraz Gul**, has brought the instant suit for recovery to the effect that defendant is a contractor of coal mining and on 30/09/2018 defendant requested the plaintiff to provide him compressor for the production of electricity. On such a request, plaintiff provided compressor to the defendant on rent at Rs. 15000/- per month through verbal arguments and it was agreed that defendant will return the same in working condition. That Rs. 180,000/- of plaintiff were outstanding against the defendant as a rent of compressor, out of which Rs. 20,000 were paid by defendant to plaintiff through Jirga and it was decided that remaining amount would be paid in monthly installments. That compressor of plaintiff was handed over to plaintiff through Jirga but the same was not in working condition and it was agreed through decision of Jirga dated: 16/03/2020 that defendant will also pay the rent of compressor

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela

23.12.2020

25

till its repair. That compressor remained dis-functional till July, 2020. Hence, plaintiff is entitled to receive the rent of Rs. 20,000 per month as per deed dated: 16/03/2020. That defendant was repeatedly asked to pay the outstanding rent amount but he refused to pay. Hence, the present suit.

Defendant was summoned, who appeared before the court on 23/09/2020 and 01/10/2020 and was directed to submit written statement but thereafter he did not turn up the court and thus proceeded ex-parte on 10/10/2020.

Ex-parte evidence of plaintiff recorded as PW-1 to PW-3. The ex-parte evidence produced by the plaintiff support his claim and there is nothing in rebuttal. Hence, the suit of the plaintiff is ex-parte decreed in favour of plaintiff and against defendant as prayed for. No order as to costs.

1. File be consigned to the record room after its completion and compilation.

Announced
23/12/2020

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela

(Farman Ullah)
Senior Civil Judge,
Orakzai (at Baber Mela).

CERTIFICATE

Certified that this judgment of mine including this page consists of 02 (two) pages, each page 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).