

**IN THE COURT OF ZAHIR KHAN CIVIL JUDGE-I, KALAYA, ORAKZAI**

Suit No.....112/1 of 2022.

Date of Institution.....03.12.2022.

Date of Decision.....03.06.2023.

Fayaz Ali S/O Ali Mar Jan R/O Qaum Mani Khel Tappa Sabzi Khel, Tehsil  
Lower, District Orakzai.....**Plaintiff**

**Versus**

1. Arab Hussain S/O Sadiq Ali R/O Qaum Mani Khel, Tappa Baba Nawasi,  
district Orakzai.
2. Syed Galoon S/O Zameen Akbar R/O Qaum Bar Muhammad Khel, Tappa  
Baba Nawasi, district Orakzai.....**Defendants**

**SUIT FOR RECOVERY OF RS. 75,000/-**


**EX-PARTE ORDER. No. 09**

**03.06.2023**

Plaintiff along with counsel present. PW Janas Khan present and  
his statement recorded as PW-03. Ex-parte evidence of plaintiff closed.  
Ex-parte arguments also heard and record perused.

Through this ex-parte order, I will decide the suit in hand filed by  
plaintiff Fayaz Ali against the defendants Arab Hussain and Syed  
Galoon.

Brief facts as per averments of plaint are that plaintiff has filed  
the instant suit for recovery of Rs. 75,000/- against defendant to the  
effect that defendant No. 1 was bound to pay Rs. 75,000/- in connection  
with business dealing with plaintiff. Jirga was held to resolve the issue

  
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and as per jirga decision dated 05.07.2019, defendant No. 1 was made bound to pay the said amount to plaintiff. Defendant No. 2 stood guarantor for the payment of said amount in light of the jirga decision. That defendants were asked time and again to pay the said amount but in vain, hence, the present suit.

Defendants were summoned but they did not appear before the court despite service through publication in daily newspaper "Mashriq", therefore, they were placed and proceeded against ex-parte. Thereafter, plaintiff was allowed to produce his ex-parte evidence accordingly.

After submission of list of witnesses, plaintiff produced three witnesses in support of his claim and contention and closed his evidence.

Plaintiff namely Fayaz Khan himself appeared and deposed as PW-01 and reiterated the averments of plaint. Photocopy of jirga decision dated 05.07.2019 is Ex-PW-1/1. He lastly requested for decree of suit against defendants as prayed for.

Tajmeen Ali and Janas Khan appeared and deposed as PW-02 and PW-03 respectively. They fully supported the claim of plaintiff. Photocopies of their CNICs are Ex-PW-2/1 and Ex-PW-3/1 respectively.

As there is nothing in rebuttal due to ex-parte and plaintiff produced cogent, convincing and reliable documentary and oral evidence in support of his claim and contention, therefore, suit of



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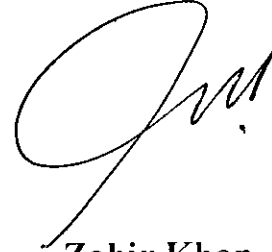
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plaintiff is hereby ex-parte decreed in favor of plaintiff against the defendants as prayed for. No order as to cost. Plaintiff is directed to deposit the required court fee within 15 days.

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

**ANNOUNCED**  
**03.06.2023**



**Zahir Khan**  
Civil Judge-I, Kalaya, Orakzai