

IN THE COURT OF REHMIAT ULLAH WAZIR,
CIVIL JUDGE-I ORAKZAI AT BABER MELA

Civil Suit No. 13/1 of 2020
 Date of Institution: 10/02/2020
 Date of Decision: 18/06/2020

1. *Jameel Khan S/O Lal Badshah.*
2. *Ilyas Khan S/O Lalbat Khan.*
Both R/O Ibrahim Zona, Mishti Mela, Tehsil Central,
District Orakzai.

(Plaintiffs)

VERSUS

1. *Talib Jan S/O Lal Badshah R/O Ibrahim Zona, Mishti Mela,*
Tehsil Central, District Orakzai.

(Defendant)

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

JUDGEMENT:

Plaintiffs Jameel Khan and Ilyas Khan have brought the instant suit for declaration-cum-permanent injunction, possession and recovery against defendant, Talib Jan seeking therein that the suit plot measuring 25/30 Marla is the ownership in possession of the plaintiffs. That as per the Jirga decision Dated: 23.04.2016, the suit plot was given to the plaintiffs and the same is in their use till date. That despite these facts, the defendants are threatening them and stopped the construction work of the plaintiffs over the suit property on 19.09.2019. That plaintiffs have purchased the same from the defendants and they have nothing to do with

Rehmat Ullah Wazir
Civil Judge/JM-I
Orakzai at (Baber Mela)

the suit property. That the stoppage of the construction work caused financial loss to the plaintiffs for which they are entitled to recover. That the defendant was asked not to do the aforesaid acts and admit the claim of the plaintiffs, but he refused, hence, the present suit.

Defendant was summoned, who failed to appear before the court hence, placed and proceeded **Ex-Parte**.

Plaintiffs produced ex-parte evidence. During the ex-parte evidence Mr. Kashmir Khan, Mr. Piyao Shah and Khan Bahadur appeared before the court and recorded their statement as PW-01, PW-02 and PW-03 respectively, who produced the relevant documents and supported the stance of the plaintiffs by narrating the same story as in the plaint.

Plaintiff Mr. Ilyas Khan appeared before the court and recorded his statement as PW-04. Further, he produced the copies of the decision of Jirga Verdict conducted on 23.04.2016 and Site Plan as Ex.PW 04/1 and Ex. PW 01/2 respectively and narrated the same story as in the plaint.

Plaintiff Mr. Jameel Khan appeared before the court and recorded his statement as PW-05. Further, he produced the copy of the Police Report for the status quo on 30.11.2019 as Ex. PW 05/01 and narrated the same story as in the plaint.

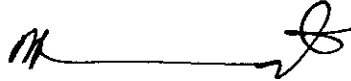
I have heard ex-parte arguments of the learned counsel for the parties and have perused the record.


Rehmat Ullah Wazir
Civil Judge (M-1)
Lahore (Case No. 13/1)

After hearing of ex-parte arguments and perusal of the record, I am of the opinion that the plaintiffs established their case through evidence and as there is nothing in the rebuttal, this court is left with no other option, therefore, the suit of the plaintiffs is hereby Partially ex-parte decreed to the extent of relief "Alif" and "Bay" while dismissed to the extent of relief "Jeem" as nothing cogent and reliable has been produced by the plaintiffs with respect to relief "Jeem". No order is to cost.

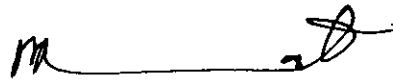
File be consigned to the Record Room after its completion and compilation.

Announced
18/06/2020


(Rehmat Ullah Wazir)
Civil Judge-I,
Orakzai at Baber Mela.

CERTIFICATE

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


(Rehmat Ullah Wazir)
Civil Judge-I,
Orakzai at Baber Mela.