

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

(28)

Civil Suit No. 289/1 of 2020  
Date of Institution: 04/06/2020  
Date of Decision: 28/01/2021

**Syed Niqab Hussain s/o Muhammad Hussain** (Plaintiff)

Versus

**Ishfaq Hussain etc.** (Defendant)

**SUIT FOR RECOVERY OF RS. 150,000/-**

**Ex-Parte Judgement**  
28.01.2021

Brief facts of case in hand are that the plaintiff, **Syed Niqab Hussain s/o Muhammad Hussain**, has filed the instant suit for recovery to the effect that Rs. 150,000/- (One Lac and Fifty thousand) of plaintiff is outstanding against the defendant No.1 as the same amount was borrowed by defendant No.1 from plaintiff. That vide decision of Jirga dated: 02.10.2019 defendant No.1 promised to pay the said amount in installments. That the first installment was due on 15.11.2019 while the remaining amount was to be paid on 01.03.2020 but till date nothing has been paid by the defendant No.1. That defendant No.2 and 3 bound themselves on the basis deed dated: 02.10.2019 to pay the outstanding amount in case defendant No.1 failed to pay the same. That defendants were repeatedly asked to pay the outstanding amount but they refused. Hence, the instant suit.

Defendants were summoned. Defendant No.3 who is the brother of remaining defendants was served personally and on

**Syed Niqab Hussain vs Ishfaq Hussain etc.**

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22.07.2020 defendant No.2 submitted an application for adjournment on 25.07.2020 which was accepted and adjournment was granted on 25.07.2020 but thereafter, none of the defendants appeared before the court, hence, they were proceeded ex-parte.


Plaintiff produced his ex-parte evidence as PW-1 to PW-4.

Ex-parte arguments heard and record gone through.

The ex-parte evidence produced by the plaintiff supports his contention as there is nothing in rebuttal. However, plaintiff has stated in his examination in chief that defendant No.2 has paid Rs. 25,000/- (Twenty-Five Thousand) to him during the pendency of <sup>case</sup> court. Hence, the suit of plaintiff is decreed to the extent of Rs. 125,000 (One Lac twenty-five thousand). No order as to costs.

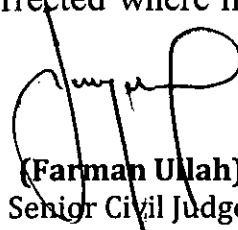
1. File be consigned to the record room after its completion and compilation.

**Announced**  
28/01/2021

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

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