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IN THE COURT OF BAKHT ZADA,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No.	12/1 (neem) of 2022
Date of Original Institution:	04.02.2021
Date of present institution:	27.10.2022
Date of Decision:	26.09.2023

1. Ghazi Marjana Wd/O Mir Ajab Khan
 2. Wajida D/O Mir Ajab Khan (minor)
Both R/O Qoum Ali Khel, Tappa Imal Khan Khel, Kago Qamar,
Tehsil Upper, District Orakzai.
- (Plaintiffs)

VERSUS

1. Rohba D/O Mir Ajab Khan
 2. Ajab Khan S/O Muhammad Akbar Khan
(Both R/O Speen Chowk Masho Khel, Peshawar)
 3. Gul Shana D/O Muhammad Akbar Khan
 4. Gul Sanga D/O Muhammad Akbar Khan
 5. Hajat Khan S/O Abdur Rehman
 6. Rabia Khan S/O Gul Rehman
(All R/O District Kohat)
- (Defendants)

SUIT FOR DECLARATION AND POSSESSION

JUDGEMENT:

Plaintiff Mst. Ghazi Marjana through special attorney Syed Gulab along with counsel present. Ex-parte arguments on the case heard.

Plaintiff Mst. Ghazi Marjana along with her minor daughter Mst. Wajida have brought the instant suit for declaration and possession through partition in respect of the suit property. Plaintiff No. 01 is widow and plaintiff No. 02 is

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real daughter of deceased Mir Ajab Khan. Defendant No. 01 is also real daughter of deceased Mir Ajab Khan. According to averments in the plaint, deceased Mir Ajab Khan has left behind legacy in shape of one semi demolished house, 02 fields in the southern side of the said house, 03 fields in the western side of the said house, 02 fields in the eastern side of the suit house while seven fields in the northern side of the house. 06 fields in the eastern side near Daag of suit house, the situation of which is as under;

1. Towards the north-western side, one mosque is situated.
2. Towards eastern side, Daag Tela,
3. Towards southern side, Landai area
4. Towards north, field situated at Kago Kamar.

That plaintiff No. 01 Ghazi Marjana widow of Mir Ajab Khan is entitled for her share 12/96 shares, Plaintiff No. 02 32/96 shares, defendant No. 01 32/96 shares, defendant No. 02 10/96 shares, defendant No. 03 05/96 shares, defendant No. 04 is also entitled to 5/96 shares being legal heirs. It is alleged that the defendants are in possession of the suit property and they are bent upon not giving Shari shares of the plaintiffs, therefore, prayed for possession of the property through partition.

BAKHT ZADA
Senior Advocate
Chakrala
26.9.23

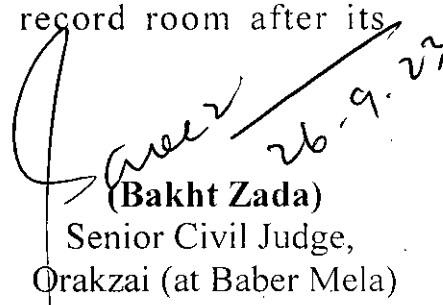
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The defendants were summoned. Defendant No. 01 initially appeared and submitted her written statement, while remaining defendants were served through publication in daily newspaper "Mashriq" on 08.05.2023. The plaintiffs were asked to produce their ex-parte evidence in support of their claim. The plaintiffs recorded statements of Syed Gulab s/o Khyal Mann Shah as PW-01 while statements Jamroz Khan s/o Nadir Khan was recoded as PW-02 whereafter the ex-parte evidence of the plaintiffs is closed.

Arguments heard and available record perused, which shows that the defendants have already been placed and proceeded ex-parte. The plaintiffs have recorded statements of Syed Gulab and Jamroz Khan as PW-01 and PW-02 respectively. There is nothing in rebuttal due to ex-parte against the defendants. The statements of PWs and other supporting evidence has remained unrebutted. I therefore, decreed the instant case in favour of the plaintiffs against the defendants ex-parte. No order as to cost.

Case file be consigned to the record room after its necessary completion and compilation.

Announced
26.09.2023


(Bakht Zada)
Senior Civil Judge,
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CERTIFICATE

Certified that this judgment of mine consists of four (04) pages, each has been checked, corrected where necessary and signed by me.

Bakht Zada 26.9.23
(Bakht Zada)
Senior Civil Judge,
Orakzai at (Baber Mela)