

Order...11
28.09.2023

Present:

Petitioner No.01 in person and as attorney for rest of petitioners along with counsel.

1. This order is intended to dispose of an application for grant of temporary injunction filed by the plaintiffs against the defendants.
2. Brief facts of the case are that plaintiffs/petitioners filed the instant suit for declaration-cum perpetual & mandatory injunction to the effect that they are owner in possession of 3/4 shares in the suit property (fully detailed in the head note of the plaint) since time of their ancestral. That defendants have no right to deny the legal rights of plaintiffs and to interfere in the suit property. That defendants were asked time and again to admit the legal claim of plaintiffs but in vain, hence, the present suit.
3. The defendants/respondents in the instant case is already proceeded ex-parte.
4. Argument by the counsel for the plaintiffs heard.
5. Learned counsel for the plaintiffs/petitioners argued that plaintiffs/petitioners have got a prima facie case. Balance of convenience also lies in his favor and that if temporary injunction is not granted, he would suffer irreparable loss and lastly prayed for the acceptance of the application.
6. It is well settled law that for grant of temporary injunction, a party has to prove three essential ingredients i.e., prima facie case in his favor, balance of convenience tilts in his favor and in case injunction is not granted, he would suffer irreparable loss. Insofar, as the instant case is concerned, plaintiffs are claiming that they are owner in possession of 3/4 shares in the suit property. Plaintiffs have not annexed with his plaint any reliable documentary proof in support of his claim and contention. There is nothing in the shape of any relevant document from which, it could be presumed that tentatively that the plaintiffs are owner in possession of 3/4 shares in the suit property. Furthermore, the

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Lal Jan
Sami Khan
Civil Judge/JM-I
Orakzai at (Babar Mela)

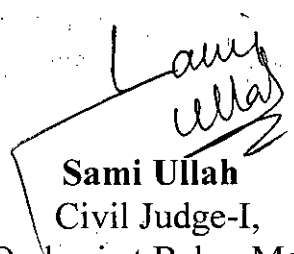
Lal Jan and others Vs Dosti Khan and others

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description of suit property is not clear and the temporary injunction cannot be granted when the same has not been specified and fully detailed.

7. Therefore, as a result of above discussion, the petitioners/plaintiffs failed to establish his claim prima facie, what to say of the balance of convenience and irreparable loss.
8. Thus, the three necessary ingredients for the grant of temporary injunction do not exist in favor of the plaintiffs, therefore, the application in hand is hereby **Dismissed**. Costs shall follow the event.
9. File be consigned to record room after its necessary completion and compilation.

Announced
28.09.2023


Sami Ullah
Civil Judge-I,
Orakzai at Baber Mela.