


IN THE COURT OF SYED ABBAS BUKHARI,
CIVIL JUDGE-II TEHSIL COURTS, KALAYA, ORAKZAI

Civil Suit No. 42/1 of 2022
Date of Original Institution: 12.02.2022
Date of Transfer In: 30.06.2022
Date of Decision: 15.09.2023

Romas Khan S/O Lal Jan, resident of Qoum Feroz Khel, Tehsil Lower, District Orakzai.
(Plaintiff)

VERSUS

1. **Fazal Karim**,
2. **Mashrooa Khan**, both sons of **Meer Akbar** and
3. **Said Wali S/O Fazal Karim**, all residents of Qaum Feroz Khel, Tehsil Lower District Orakzai.
(Defendants)


SYED ABBAS BUKHARI
CIVIL JUDGE-II
Tehsil Courts Kalaya

SUIT FOR DECLARATION CUM PERPETUAL INJUNCTION

Ex-Parte Judgment/Order:
15.09.2023

Vide this ex-parte order I intend to dispose of suit in hand filed by plaintiff against defendants.

Brief facts of the case as narrated in the plaint are that plaintiff has filed the instant suit for declaration cum perpetual injunction to the effect that plaintiff is the lawful owner in possession of the suit property measuring 01 kanal in shape of orchard, since the time of his predecessor, fully detailed through boundaries in the head note of plaint. Plaintiff's house is adjacent to the suit property. He further allege that he planted valuable trees over the suit property. Defendants are interfering in the suit property and thus

intend to forcefully dispossess the plaintiff from the suit property. In this respect defendants were asked time and again requested not to interfere with the suit property of plaintiff but in vain, hence, the present suit.

After institution of the instant suit the defendants were summoned and accordingly all the defendants initially appeared before the court in person, however, subsequently defendants no. 2 & 3 were placed and proceeded as ex-parte due to non-appearance while defendant no. 1 regularly appeared before the court on every date of hearing but despite repeated directions of this court, he failed to engage his counsel and file his written statement. Accordingly cost of Rs. 5000/- was imposed upon defendant no. 1 and notice under Order VIII Rule X CPC was also served upon him vide order dated 09.03.2023 but he failed to engage counsel and filed written statement despite cost as well as notice under Order VIII Rule X CPC. Accordingly, this court vide order no. 25 dated 19.05.2023 struck off right of defense of defendant no. 1 to file written statement. Later on defendant no. 1 failed to appear before the court and accordingly was placed and proceeded ex-parte vide order no. 31 dated 19.08.2023. Thereafter, plaintiff was directed to produce his ex-parte evidence, which he did accordingly and examined 04

Syed A. Karim
SYED A. KARIM
18/8/2023
JUDGE
COURT KUALA

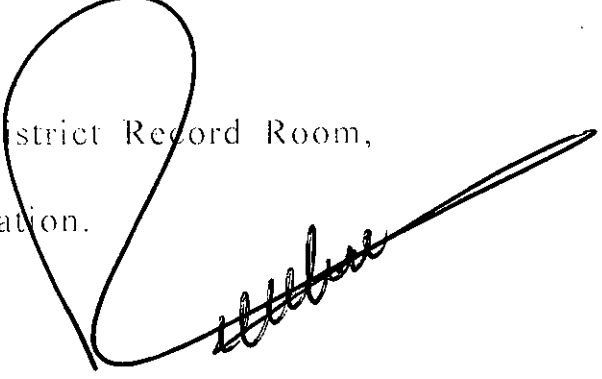
PWs and closed his evidence. Thereafter ex-parte arguments were advanced by counsel for the plaintiff.

Now on perusal of record, evidence produced by plaintiff and valuable assistance of learned counsel for the plaintiff this court is of the humble view that all the PWs deposed in light and support of the stance of plaintiff previously alleged in the plaint. Furthermore, initially due to non-filing of written statement and subsequently due to ex-parte proceedings nothing in rebuttal or contradictory is available on the record.

In light of the above discussion, instant suit of plaintiff is hereby ex-parte decreed against defendants. No order as to costs.

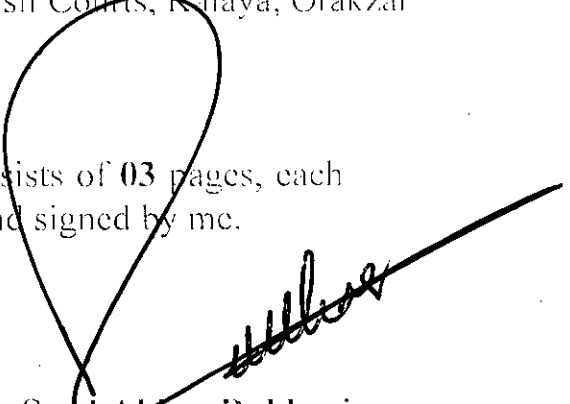
File be consigned to the District Record Room, Orakzai after its completion and compilation.

Announced
15.09.2023


Syed Abbas Bukhari
Civil Judge-II,
Tehsil Courts, Kalaya, Orakzai

CERTIFICATE

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


Syed Abbas Bukhari,
Civil Judge-II,
Tehsil Courts, Kalaya, Orakzai