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FORM "A"  
FORM OF ORDER SHEET

IN THE COURT OF SYED ABBAS BUKHARI, CIVIL JUDGE/JUDICIAL MAGISTRATE/CI-II, KALAYA ORAKZAI

Serial No. of Order of Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or Counsel where necessary.
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Order No. 10	12/10/2023	<p>Parties present. Bailiff report received and placed on file. Vide this order I intend to dispose of instant application for grant of temporary injunction filed by plaintiffs, hereinafter referred as petitioners.</p> <p>Arguments already heard and record perused.</p> <p>Now on perusal of the record and valuable assistance of both the learned counsels for the parties, this court is of the considered view that petitioners had alleged in their plaint that suit passage is their private ownership, being previously made in their own property and thus respondents have got no right to interfere with or claim the same as public passage. Petitioners further allege that a public road exist in front of the houses of respondents for their use. Contrary to this respondents allege that suit passage is joint ownership of the parties to the suit and is being used by both of them since the time of their forefathers. In given circumstances, it is pertinent to mention here that after arguments from both the side, this court directed the bailiff to visit the spot and after spot inspection submit his detailed report regarding the facts that at how much distance the houses of respondents are located from main Bizot road and further ascertain that whether any road for vehicles exist from point C of site plan, annexed with the plaint, to the houses of respondents. Accordingly bailiff visited the spot and thereafter submitted his detailed report before this court today. Perusal of the bailiff report would reveal that it</p>

12-10-2023  
SYED ABBAS BUKHARI  
Civil Judge/JM-II  
Tehsil Courts Kalaya

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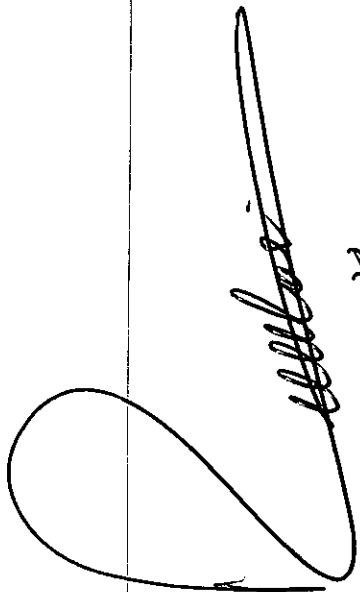
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necessary.**

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has been mentioned therein that the distance between main Bizot road and houses of respondents is about four kilometers while there exist no road for vehicles exist rather a narrow pathway for the pedestrians exist. It is also pertinent to mention here that petitioners had alleged in the instant application as well as during the course of arguments that respondents block the suit passage by parking their vehicle. In given circumstances, as from the report of bailiff it is clear that there exist no road for vehicles from point C to the houses of respondents, hence parking of vehicle by respondents on the suit passage is not fair, as respondents have an alternate road to their houses. Furthermore, it would be ascertained after recording of pro and contra evidence that as to whether suit passage is sole ownership of petitioners or respondents also share the same. Presently a prima facie case exist in favour of petitioners coupled with other ingredients necessary for grant of temporary injunction. In light of the above discussion, as a prima facie case exist in favour of the petitioners, the application in hand for grant of temporary injunction is hereby allowed and temporary injunction for the statutory period of six months or till disposal of instant suit, whichever is earlier, is hereby granted in favour of petitioners and respondents are hereby directed not to block the suit passage by parking their vehicle and further they are also directed to use main Bizot road while going to their houses through vehicle. Furthermore, respondents are allowed to use the suit passage as pedestrians. No order as to costs. Copy of this order be placed on main suit file



12.10.2023  
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 Tehsil Courts Kalya

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		<p>while file in hand be consigned to the record room after its necessary completion, compilation and scanning.</p> <p><u>Announced</u> 12.10.2023</p> <p>Syed Abbas Bukhari Civil Judge-II Kalat</p> <p><b>SYED ABBAS BUKHARI</b> Civil Judge-II Tehsil Courts Kalat</p>