

FORM OF ORDER SHEET

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

Case Title: Vs

| Serial No of order or proceedings | Date of Order Proceedings | Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary |
|-----------------------------------|---------------------------|--|
| 1 | 2 | 3 |
| Order 12 | 13.10.2023 | <p>Parties present.</p> <p>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 through instant suit allege that parties to the suit are cousins inter se and thus are co-sharers in the suit property. They further allege that previously disputes regarding suit property also existed between the parties and in this respect the elders of locality had convened Jirga dated: 28.12.2008 between the parties and the dispute was resolved. Furthermore, as per verdict of said Jirga, the petitioners were declared owners of 1/5th share in the suit property alongwith 03 Jareeb land. Contrary to this respondents vehemently opposed the instant application and alleged that petitioners have got no concern with the suit property. They further alleged that suit property is in possession of respondents since the time of their forefathers. In given circumstances, this court is of the humble view that the respective stance of both the parties to the suit are subject to proof after recording of pro and contra evidence and furthermore, in absence of revenue record it is not possible at this stage to ascertain as to who amongst parties to the suit is real owner of the suit property and who is enjoying his possession over the same. However petitioners have annexed a copy of Jirga verdict dated: 28.12.2008 with their plaint in support of their stance while on the other hand no such document has been annexed with the written statement by the respondents, which may prove their ownership over the suit property and further may establish a prima facie case in their favour at this stage.</p> <p>In light of the above discussion, a prima facie arguable case exist in favour of plaintiffs at this stage coupled with</p> |

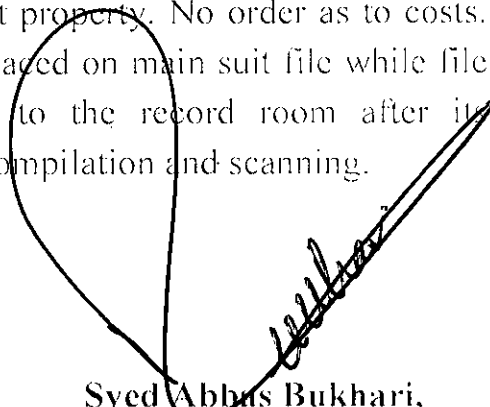


13-10-2023
 SYED ABBAS BUKHARI
 Civil Judge/J-II
 Kalaya Orakzai

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FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF SYED ABBAS BUKHARI, CIVIL JUDGE/JUDICIAL MAGISTRATE/CJ-II, KALAYA ORAKZAI
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| <i>Continued</i> 0 — 12 | 13-10-2023 | <p>other ingredients necessary for grant of temporary injunction, hence accordingly 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 is hereby granted in favor of plaintiffs and defendants are hereby directed not to interfere with the suit property. No order as to costs. Copy of this order be placed on main suit file while file in hand be consigned to the record room after its necessary completion, compilation and scanning.</p> <p>Announced 13.10.2023</p> <p> Syed Abbas Bukhari, Civil Judge-II, Tehsil Court Kalaya, Orakzai</p> |