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each to the plaintiff except the family/kandy of the defendants. That defendants were asked time and again to admit the legal claim of plaintiff but in vain and finally refuse to pay their shares, hence, the present suit.

2. Defendants in the instant case were placed and proceeded against ex-parte after proper summons. Thereafter, plaintiff was allowed to produce her ex-parte evidence after submission of list of witnesses.
3. Detail of plaintiff's witnesses and exhibited documents are as under: -

	WITNESSES	EXHIBITIONS
PW-1	Younas Khan S/O Gul Akbar R/O Qoam Dara Dar Mamozai, District Orakzai.	Copy of CNIC is Ex.PW-1/1.
PW-2	Latif Khan S/O Sawab Khan R/O Qoam Dara Dar Mamozai, District Orakzai.	Copy of CNIC is Ex.PW-2/1.
PW-3	Munawar Khan S/O Alim Khan R/O Qoam Dara Dar Mamozai, District Orakzai.	Power of attorney is Ex.PW-3/1. Copy of Iqrar Nama is Ex.PW-3/2. Copy of CNIC of plaintiff is Ex.PW-3/3.

4. Ex-parte arguments heard and record perused.
5. Learned counsel for the plaintiff, Mr. Sana Ullah Khan Advocate, argued that the plaintiff is seeking recovery of

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Rs.75000/- from the defendants as a sale consideration. He stated that in absence of revenue record in District Orakzai, reliance is placed on evidence of the PWs and on agreement deed dated 25.02.2019 which was signed by Sobidar Abdul Jamal on behalf of family/Taber of the defendants. That the PWs admitted the claim of the plaintiff in their statements. He further argued that the defendants are willfully avoiding court proceedings in the instant case despite proper service of summons. Further stated that the plaintiff has proved their stance by producing cogent and confidence inspiring oral evidence in support of stance of the plaintiff while there is nothing in rebuttal hence, prayed for decree of the suit.

6. The plaintiff produced three witnesses in their ex-parte evidence in support of their claim. Younas Khan, Latif Khan and Munawar Khan appeared and recorded their statements as PW-1, PW-2 and PW-3. They supported the claim of plaintiff. The essence of the ex-parte evidence of plaintiff is as under.

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7. Younas Khan appeared as PW-01 and recorded in his statement that husband (Sher Haider) of plaintiff had died and his share of land was sold by the plaintiff to 4 families belonging to Sadiq Tabers in lieu of sale consideration of Rs.3 lacs. That Sher Haider and the plaintiff are issueless. He further stated that the amount of Rs.75000/- was fixed

for each family, in which three families paid the said amount while the fourth family i.e. defendants are denying the payment of the same amount. He also testified that the sale agreement dated 25.02.2019 correctly bears his thumb impression.

8. Latif Khan and Munawar Khan (attorney of the plaintiff) appeared before the court as PW-02 and PW-03 and recorded their statements in favour of plaintiff. PW-02 recorded in his statement that he has paid Rs.75000/- to the plaintiff on behalf of his family i.e. Norab Tabar. He also testified that the sale agreement dated 25.02.2019 correctly bears his signature. PW-03 stated in his statement that the plaintiff is her real sister and she has given him special power of attorney to lead this case. PW-03 further stated that the sale agreement backed by a Jirga has taken place in his presence.

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9. Thereafter, ex-parte evidence of plaintiff were closed.
10. After hearing of ex-parte arguments and perusal of the record, this court is of the opinion that the plaintiff has established her case through evidence and as there is nothing in the rebuttal, this court is left with no other option, therefore, the suit of the plaintiff is hereby ex-parte decreed in favour of plaintiff.
11. Costs to follow the events.

12. File of the Court be consigned to record room after its completion and compilation.

**Announced:**  
**28-09-2023**

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Orakzai (At Baber Mela)

**CERTIFICATE: -**

Certified that this judgment consists of Five (05) pages. Each and every page has been read over, corrected and signed by me where ever necessary.

*Sami Ullah*  
**Sami Ullah**  
Civil Judge-I,  
Orakzai (at Baber Mela)