

142

IN THE COURT OF FARMAN ULLAH,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 337/1 of 2020
Date of Institution: 30/09/2020
Date of Decision: 03/07/2021

Shareen Gul s/o Mehrab Gul through legal heirs

1/1 Kinary (widow), 1/2 Raheem Gul (Son), 1/3 Wahid Gul (Son), 1/4 Mumtaz Gul (Son), 1/5 Habib Ullah (Son), 1/6 Hujat Meena (Daughter), 1/7 Sojat Meena (Daughter), 1/8 Hayat Meena (Daughter), 1/9 Gul Khobana (Daughter), 1/10 Noor Jetmeena R/o Rabia Khel, Behram Khel, Jerab, Tehsil Ismail Zai District Orakzai.

(Plaintiffs)

Versus

Muhammad Hussain s/o Saleem Shah R/o Rabia Khel, Behram Khel, Jerab, Tehsil Ismail Zai District Orakzai.

(Defendant)

SUIT FOR RECOVERY OF RS. 1050,000/- (Ten lacs and fifty thousand)

Ex-Parte Judgement

03.07.2021

Brief facts of case in hand are that the plaintiff, **Shareen Gul s/o Mehrab Gul** has brought the instant suit for recovery as compensation for malicious prosecution to the effect that on 19.08.2019 defendant has filed a frivolous complaint against him u/s 379/427/506/341 PPC. On 19.08.2019 plaintiff appeared before the Illaqa Magistrate and engaged counsel for the trial. That plaintiff paid fee RS. 30,000/- to the counsel and borne expenses of Rs. 2000/- on each date of hearing. That due to frivolous complaint of defendant against plaintiff, the plaintiff suffered financial loss and mental agony as well as lost his dignity and reputation in the society. He faced five

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
03.7.2021

months trial in Illaga Magistrate court. During trial, the case of the complainant was of no evidence and the evidence available on file did not connect the accused (plaintiff) with the commission of the offence. The prosecution failed to bring home the guilt of the accused therefore, the accused (Plaintiff) facing trial was acquitted in the case from the charges leveled against him. That defendant was repeatedly asked to pay the compensation amount Rs. 1050,000/-(ten lacs and fifty thousand) but he refused to pay the same. Hence, the present suit.

Defendant was summoned, who appeared before the court and was directed to submit written statement but on 11.02.2021 neither he and nor his counsel appeared before the court and thus proceeded ex-parte. On 14.11.2020 the son of the plaintiff appeared before the court and stated that his father has died and he was directed to submit the list of legal heirs of the plaintiff. On 10.12.2020 the list of legal heirs of the plaintiff was submitted, who appeared through attorney and pursued the case.

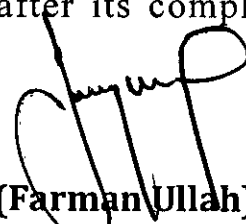
Ex-parte evidence of plaintiff recorded as PW-1 to PW-4 and also produced the record of criminal case as Ex.PW-4/1. The ex-parte oral and documentary evidence produced by the plaintiffs support the plaintiffs claim and there is nothing in rebuttal. Hence, the suit of the plaintiffs is ex-parte decreed in favour of plaintiff and against defendant as prayed for. No order as to costs.

Handwritten signature and date: 03.7.2021

144

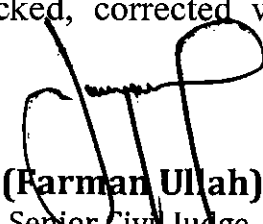
1. File be consigned to the record room after its completion and compilation.

Announced
03/07/2021


(Farman Ullah)
Senior Civil Judge,
Orakzai (at Baber Mela).
FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela

CERTIFICATE

Certified that this judgment of mine including this page consists of **03** (three) pages, each page has been checked, corrected where necessary and signed by me.


(Farman Ullah)
Senior Civil Judge,
Orakzai (at Baber Mela).
FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela