

(39)

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

Civil Suit No. 369/1 of 2020
Date of Institution: 21/12/2020
Date of Decision: 04/08/2021

1. Asif Shah through legal heirs

- 1/1. Zubaida Bibi (widow), 1/2 . Ajwa (Daughter), 1/3. Mehreen (Daughter), 1/4 Haima (Daughter)
2. Muhammad Ayaz
3. Dil Faraz Khan
4. Ijaz Khan R/o Qoam Baland Khel, Tapa Masti Khel, Jam Ghari, Tehsil Upper District Orakzai.

(Plaintiffs)

Versus

Mati Ullah s/o Khan Din R/o Qoam Baland Khel, Tapa Masti Khel, Jam Ghari, Tehsil Upper District Orakzai.

(Defendant)

**SUIT FOR DECLARATION, PERMANENT, MANDATORY
INJUNCTION & POSSESSION**

Ex-Parte Judgement

04.08.2021

Brief facts of case in hand are that the plaintiff, **Asif Shah** has brought the instant suit for declaration, permanent, mandatory injunction and possession to the effect that disputed property is the ownership of the plaintiff vide deed dated: 1997 and defendants have got no concern with the same but inspite of that defendant is inclined to interfere and has illegally raised wall on the same. That defendant was repeatedly asked not to interfere and demolish the wall in disputed property but he refused. Hence, the present suit.

FARMAN ULLAH
Senior Civil Judge
Orakzai at Baber

04.8.2021

(40)

Defendant was summoned, who appeared before the court on 06.03.2021 and was directed to submit written statement but later on neither he nor his counsel appeared before the court and thus proceeded ex-parte on 15.03.2021. During the pendency of the suit the plaintiff No.1 died, whose list of legal heirs were submitted on 09.02.2021 and they were summoned, who appeared through attorney and pursued the case.

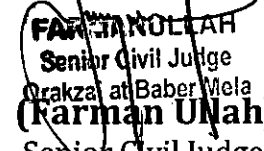
Ex-parte evidence of plaintiff recorded as PW-01 to PW-03.

Ex-parte arguments heard and record gone through.

The ex-parte evidence produced by the plaintiffs supports the claim of plaintiffs and there is nothing in rebuttal. Hence, the suit of the plaintiffs is ex-parte decreed in favour of plaintiffs and against defendant as prayed for. No order as to costs.

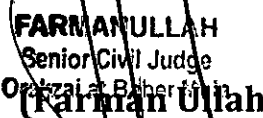
1. File be consigned to the record room after its completion and compilation.

Announced
04/08/2021


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

CERTIFICATE

Certified that this judgment of mine including this page consists of 02 (two) pages, each page has been checked, corrected where necessary and signed by me.


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