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

Civil Suit No. 13/1 of 2021  
Date of Original Institution: 19/02/2021  
Date of institution after restoration: 03/12/2021  
Date of Decision: 26/01/2022

**Syed Jalal S/o Muhammad Kamal R/o Qoam Mamo Zai, Tappa Abdul Raheem Khel, Tehsil Upper District Orakzai.**

(Plaintiffs)

Versus

1. **Muhammad Azeem**
2. **Abdul Jalal**
3. **Hazrat Jalal**
4. **Hazrat Munir**
5. **Fazal Aziz Ss/o Fazal Janan**
6. **Abdul Aziz s/o Fazal Aziz R/o Qoam Mamo Zai, Tappa Adu Khel, Tehsil Upper District Orakzai.**
7. **Tehsildar Upper Orakzai.**

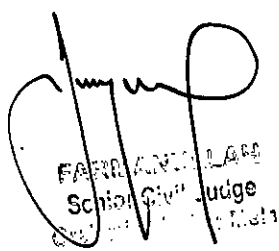
(Defendants)

**SUIT FOR DECLARATION, PERMANENT AND MANDATORY INJUNCTION, RECOVERY OF RS.9,60,000/- AND POSSESSION**

**Ex-Parte Judgement**

26.01.2022

Brief facts of case in hand are that the plaintiff, **Sayed Jalal** has brought the instant suit for declaration, permanent and mandatory injunction, recovery and possession to the effect that disputed house the detail of which is fully mentioned in the head note of plaint, is owner in possession of plaintiff since time of his ancestors and defendants have got no concern with the same but in spite of that defendants are inclined to illegally interfere and possess the same. That disputed house was temporary given by uncle of plaintiff to the father of defendants No. 1 to 5 for residence in lieu of his service in year 1987. That defendants

  
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performed their services for plaintiff till year 2007 and thereafter, plaintiff and other people of locality left their houses due to law and order situation in Orakzai. That government started operation in Orakzai and due to which disputed house and other houses were badly damaged. That after restoration of law and order situation in Orakzai, plaintiff asked defendants to make arrangement for their residence as disputed house is required to plaintiff and he also wants to repair and construct the disputed house. On which defendants silently left the house in question. That during this period, government started survey of damaged houses and defendants No. 3,4 and 6 illegally and fraudulently conducted survey regarding disputed house in their names. That defendant No. 4 and 6 illegally received survey amount of Rs.5,60,000/- regarding disputed house while defendant No. 3 also conducted survey in his name of Rs.3,00,000/- regarding disputed house, the cheque of which has not been received by him so far. Against which plaintiff also filed an application to Additional Deputy Commissioner Orakzai not to issue cheque in the name of defendant No. 3. That jirga was held between the parties in respect of disputed house and disputed house was decided by jirga members in favour of plaintiffs. That defendants were repeatedly asked to admit the ownership of plaintiff over disputed house, not to interfere in the same, admit the right of plaintiff over survey amount and pay the received survey amount but they refused, hence instant suit.

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Defendants were summoned, only defendant No. 7 personally appeared before the court on 16.03.2021 while defendants No. 1 to 6 could not be served personally and thus they were summoned through publication in newspaper. After receiving publication in daily newspaper, no one from defendants No. 1 to 6 appeared before the court, hence proceeded ex-parte while defendant No. 7 absented himself from proceeding and thus he was also proceeded ex-parte.

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 plaintiff supports his claim and there is nothing in rebuttal, hence, the suit of the plaintiff is ex-parte decreed in favour of plaintiff and against defendants as prayed for. No order as to costs.

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

**Announced**  
26/01/2022

**FAEZAN ULLAH**  
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 03 (three) pages, each page has been checked, corrected where necessary and signed by me.

**FAEZAN ULLAH**  
Senior Civil Judge  
Orakzai at Baber Mela  
**(Farman Ullah)**  
Senior Civil Judge,  
Orakzai (at Baber Mela).