

Or — 08
13.11.2021

Plaintiff along-with Counsel present.

Ex-parte evidence recorded as

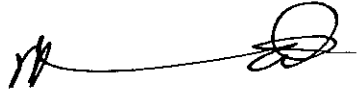
PW-01 and PW-02. and plaintiff's

Counsel closed his evidence.

Arguments heard.

File is to come up for order

on 20.11.2021.


Rehmat Ullah Wazir
Civil Judge/JM-I
Orakzai at (Babar Meela)

Or.....09
20.11.2021

Plaintiff in person present. Through my this single order, I intend to dispose off the instant suit ex parte.

Brief facts of the case are that the plaintiff filed the instant suit for declaration cum perpetual and mandatory injunction to the effect that the plaintiff is the owner in possession of the suit property, the particulars of which are mentioned in the head note of the plaint but most of the times, the plaintiff is residing in district Kohat. That the plaintiff left a thoroughfare of 03 feet wide along his house. That the defendants demolished 01 room and a boundary wall measuring 80 meters in length and 08 feet in height and got a road through the land of the plaintiff by taking illegal possession of 12 feet wide land of the plaintiff, without permission or payment to the plaintiff. That there are other places available for construction of a road. That the defendants were asked to change the location of the road from the land of the plaintiff to some other place but in vain, hence, the present suit.

Continue

Or.....09
Continued
20.11.2021

The defendants were summoned through the process of the court, but they failed to appear before the court, hence, placed and proceeded ex parte.

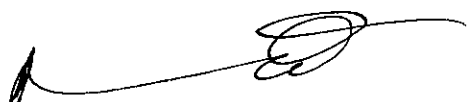
The plaintiff produced ex parte evidence in the shape of witnesses in whom, the one Syed Ilyas Hussain appeared as PW-01, who supported the stance of the plaintiff by narrating the same story as in the plaint. Further, the plaintiff himself appeared as PW-02, who produced his shajra-e-nasab, which is Ex.PW-2/1, further produced an application to the Deputy Commissioner, Orakzai which is Ex.PW-2/2 and further produced an application to the APA, L/Orakzai which is Ex.PW-2/3 and further narrated the same story as in the plaint.

Ex-parte arguments heard and record perused.

After hearing of ex-parte arguments and perusal of the record, I am of the opinion that there is a public road which is in question and it is ultimately for the public welfare and it is the mandate of the concerned works department to decide through which land, the same would be feasible. The suit of the plaintiff is something nonsense. The plaintiff could at most pray for compensation of his land/wall and room but he has not prayed for the same and not for what is sought through the present suit. Thus, in the light of the aforesaid findings, the suit of the plaintiff is hereby dismissed with costs.

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

Announced
20.11.2021


(Rehmat Ullah Wazir)
CJ/JM-I,
Orakzai at Baber Mela