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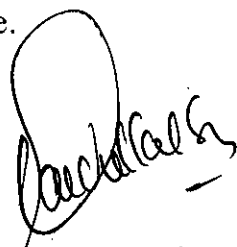
Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
Order No.06	07.12.2023	<p style="text-align: center;">Jahangir Shah VS Moeen Shah etc. MCA No. 9/14 of 2023</p> <p>Mr. Sana Ullah Khan Advocate for appellant and Mr. Abid Ali Advocate for respondents present.</p> <p>In a suit before the learned trial court, the appellant/plaintiff claimed that since his forefathers he is owner in possession of a vacant plot located at Sama Bazar, surrounded by a residence owned by Saleem Hafiz to the east, fields to the west, a dwelling of the respondents/defendants to the north and a residence of the appellant/plaintiff to the west while the respondents/defendants having got no concern whatsoever with the vacant plot, are bent upon making construction over the same. The respondents/defendants were summoned who appeared before the court and contested the suit by submitting written statement wherein they besides raising various legal and factual grounds, asserted that the suit property had been partitioned among the forefathers of the parties. According to their contention, both parties have constructed on their respective portions, with the vacant plot claimed to be owned by defendants no. 1 and 3, upon which constructions have been raised in shape of a latrine, gutter etc.</p> <p>The respondents/defendants submitted an application before the learned trial court for appointment of local commission for measurement of the suit property which was allowed by the learned trial court vide impugned order dated 21.09.2023. The appellant/plaintiff, being aggrieved of the impugned order, filed the instant appeal.</p>


Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

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IN THE COURT OF DISTRICT JUDGE, ORAKZAI AT BABER MELA

Case Title: Jhangeer Shah VS Moeen Shah etc.

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Contin. Order No.06		<p>Arguments heard and record gone through.</p> <p>It is evident from the record that the learned trial court has already appointed local commission for measurement of the entire disputed property, measurement of the shares in possession of each party and a detailed sketch of the disputed property; however, the learned counsel for the appellant/plaintiff requested that the inspection may be conducted through local commission again, specifically focusing on the constructed wall that whether it is newly constructed or otherwise and whether the same has been constructed over the share of the respondents/defendants in accordance with the alleged partition. When learned counsel for the respondents/defendants was confronted with aforementioned situation, he conceded to the point.</p> <p>In these circumstances, without touching the merits of the case, the instant appeal is partially accepted with the directions to local commission to determine that whether the wall is newly constructed or has already been erected.</p> <p>Order announced. File of this court be sent to record room after its necessary completion and compilation. Copy of this order be sent to the learned trial court for information and compliance.</p> <p>Dated: 07.12.2023</p> <p style="text-align: right;"> (SYED OBAIDULLAH SHAH) District Judge, Orakzai at Baber Mela</p>

