

der...10  
17.01.2024

**Present:**

Petitioner in person along with counsel

Respondent No.01 and No.02 through District Attorney.

1. Arguments on application for grant of temporary injunction heard today and record perused.
2. This order from my court is directed to dispose of application for grant of temporary injunction filed by plaintiffs.
3. Brief facts of the case are that the plaintiffs have filed the instant petition for declaration and permanent injunction to the effect that the plaintiff/petitioner is in possession of suit property which was allotted to him through allotment Order No.06/SCJ/ORK/C-C, dated: 29.05.2023 for the period of two years. That the defendants have locked the suit property and are interfering/restraining the plaintiff from using the same. They further asserted that the defendants be restrained from interference in the suit property.
4. Defendants were summoned and who appeared before the court by submitting written statement and reply of the instant application.
5. Learned counsel for the plaintiff/petitioner argued that plaintiff/petitioner has got a prima facie case. Balance of convenience also lies in their favor and that if temporary injunction is not granted, he would suffer irreparable loss and lastly prayed for the acceptance of the application.
6. The other side fully resisted the application through arguments.
7. It is well settled law that for grant of temporary injunction, a party has to prove three essential ingredients i.e., prima facie case in his favor, balance of convenience tilts in their favor and in case injunction is not granted, they would suffer irreparable loss. Insofar, as the instant case is concerned, the plaintiff claimed that he has an allotment letter mentioned above regarding the lawful possession of the cabin in question. The said allotment letter is annexed with the plaint.


(Continued...)

  
**Sami Ullah**  
Civil Judge/JM-I  
Orakzai at (Babar Mela)

**Order...10**  
**Continued.**  
17.01.2024

8. Therefore, a prima facie case exists in favor of plaintiff and balance of convenience also lies in favor of plaintiff. The third essential ingredient for grant of temporary injunction is also in favor of plaintiff/petitioner.
9. As a result of above discussion, all the three ingredients for the grant of temporary injunction co-exist in favor of the plaintiff, therefore the application for temporary injunction is **Accepted** for six months or till the disposal of instant case whichever comes earlier. No order as to cost. This order of mine is tentative in nature and shall not affect the merits of the case.
10. File be consigned to record room after its necessary completion and compilation.

**Announced**  
17.01.2024

  
**Sami Ullah**  
Civil Judge-I,  
Orakzai (at Baber Mela).