

IN THE COURT OF SHAUKAT AHMAD KHAN
DISTRICT JUDGE, ORAKZAI (AT BABER MELA)

CIVIL REVISION NO. : 3/12 OF 2022
DATE OF INSTITUTION : 27.04.2022
DATE OF DECISION : 11.05.2022

ABDUL WAHAB S/O KHIAL SHAH, R/O CASTE MALA KHEL, TAPA
AZIZ KHEL, VILLAGE FARID KHAN GARHI, TEHSIL UPPER, PO
GHILJO, DISTRICT ORAKZAI

.....(APPELLANT)

-VERSUS-

1. IBRAHIM S/O ABDUL RASHID
2. ABDUL RASHID S/O KHIAL SHAH
BOTH RESIDENTS OF CASTE MALA KHEL, TAPA AZIZ KHEL,
VILLAGE FARID KHAN GARHI, TEHSIL UPPER, PO GHILJO,
DISTRICT ORAKZAI

.....(RESPONDENTS)

Present: Abid Ali Advocate for appellat
: Sana Ullah Khan Advocate for respondents

JUDGEMENT
11.05.2022

Impugned herein is the order dated 17.03.2022 of
learned Civil Judge-I, Orakzai passed in civil suit no. 26/6 vide
which petition of the petitioner/plaintiff for making contempt of
court proceedings against the respondents/defendants, has been
dismissed.

- (2). Through a suit before learned Civil Judge-I, Orakzai,
the petitioner/plaintiff sought declaration-cum-perpetual
injunctions to the fact that petitioner/plaintiff is owner in
possession of a land measuring 12 Marlas named as Sandali
situated at Farid Khan Ghari, detailed in the headnote of the
plaint vide a partition deed dated 16.12.2020 while the
respondent/defendant, being in possession of his due share, has

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got no right to make construction upon the property of the appellant/plaintiff.

The plaint was accompanied by application for grant of temporary injunctions, in pursuance of which the learned trial court on 05.08.2021 allowed the status-quo to be maintained for 14 days, which was extended for further 14 days on 15.09.2021.

During pendency of the suit the petitioner/plaintiff submitted application for contempt of court proceedings against the respondents/defendants and execution of the court order through SHO. The respondents/defendants submitted reply of the same and the learned trial court after hearing arguments on the maintainability of the petition dismissed the same vide impugned order dated 17.03.2022. Hence, the present revision/petition. Today, the instant revision/petition was fixed for preliminary arguments. Learned counsel for petitioner argued the same at some length; however, during the course of argument he submitted that as a status-quo for a period of 06 months till disposal of the suit has been allowed by this court to be maintained on both the parties therefore, he does not press the instant revision /petition; however, he may be allowed to submit fresh application for contempt of court before the learned trail court in case of violation of the order of status-quo by the respondents/defendants.

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- (3). In view of above, the instant revision/petition is dismissed being not pressed with the permission to the petitioner

to file a fresh petition for contempt of court in case of violation of the order of status-quo allowed by this court in main civil appeal no. 5/14 of 18.04.2022 before the learned trial court. Copy of this order be sent to learned trial court for information.

Consign.

Pronounced
11.05.2022





(SHAUKAT AHMAD KHAN)
District Judge, Orakzai
at Baber Mela

CERTIFICATE

Certified that this judgment consists of three (03) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 11.05.2022


(SHAUKAT AHMAD KHAN)
District Judge, Orakzai
at Baber Mela