




**IN THE COURT OF DISTRICT JUDGE, ORAKZAI AT BABER MELA**

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Case Title: Jamab Khan & others vs DC Orakzai & others.

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
Superintendent Note	14.06.2022	Civil Misc. Appeal presented through clerk of counsel, Noor Karim Advocate to the office of Superintendent. Be put up before District Judge, Orakzai, for further orders, please.  (SUPERINTENDENT) To District Judge, Orakzai at Baber Mela.
Order No.01	14.06.2022	Register. Appellant no. 2 present in person. Preliminary written arguments perused. Points raised need consideration. Admitted for full hearing. Notice be issued to respondents and record be requisitioned for 16.06.2022.  (SHAUKAT AHMAD KHAN) District Judge, Orakzai at Baber Mela
Order No.02	16.06.2022	Appellants no. 1 & 2 present in person along with the counsel present. Mr. Hussain Shah, Superintendent present for respondent no. 2 and submitted authority letter. Placed on file. Respondent no. 3 present in person. Respondent no. 1 despite being served through summons not present. Mr. Abid Zaman District Attorney representing the respondents present. Record received. Arguments heard.  Shaukat Ahmad Khan District & Sessions Judge Orakzai at Baber Mela 16/06/22


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<p>Contin. Order No.02</p>		<p>The appellants/plaintiffs through a civil suit before the court of learned Senior Civil Judge seek declaration cum-perpetual injunction to the fact that they are owners in possession of land detailed in the headnote of plaint with houses constructed over there while the respondents/defendants on the pretext of widening of road are bent upon demolishing the houses of appellants/plaintiffs, instead of availability of plain road on the opposite side of road.</p> <p>The plaint was accompanied by application for grant of temporary injunctions seeking restraining the respondents/defendants from demolishing the houses of appellants/plaintiffs till disposal of suit.</p> <p>The learned trial court instead of passing restraining order, issued a notice to respondents/defendants. Hence, the present appeal.</p> <p>During course of arguments, the respondent no. 3 Tehsildar Upper Orakzai submitted that so far, no notice for removal/demolishing of the constructed houses of the appellants/plaintiffs has been issued to them and in case of availability of plain land for widening of road, they would have got no objection even upon the decree of the suit. However, as the application for grant of temporary injunction is yet to be decided by the learned</p>

Shaukat Ahr/nae K...  
District & Sessions Judge  
Orakzai at Baber Mela

6/06/21

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1	2	3
Contin. Order No.02		<p>trial court; therefore, at this stage touching the merits of case may prejudice the case of either sided. When the learned District Attorney was confronted with the aforementioned situation, he conceded that he has got no objection for passing of the restraining order till date fixed before the learned trial court only to the extent of restraining the respondents/defendants from demolishing of the houses.</p> <p>Hence, keeping in view the aforementioned situation on acceptance of the appeal, the respondents/defendants are directed to maintain status quo on the spot to the extent of restraining the respondents/defendants from demolition of the houses of appellants/plaintiffs till date fixed to the learned trial court. File of this court be consigned to record room while copy of this order be sent to the learned trial court for information and compliance with the directions to decide the application for grant of temporary injunctions on the basis of merits.</p> <p><b>Pronounced:</b> 16.06.2022</p> <p> (SHAUKAT AHMAD KHAN) District Judge, Orakzai at Baber Mela</p>

