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**IN THE COURT OF ADDITIONAL DISTRICT JUDGE ORAKZAI, AT BABAR MELA**

Civil Misc. Appeal No. 5/14 of 2022

Date of institution: 15.07.2022

**Imran Khan etc. Vs Gul Wazir Khan etc.**

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-034	19/07/2022	<p>Appellant in person along with Counsel Abid Ali for and Mr. Jabir Hussain Advocate for respondent are in attendance. Arguments have been heard; whereas, this is the disposal of captioned Civil Misc. Appeal.</p> <p>2. This Miscellaneous Civil Appeal calls in question the validity and propriety of the Order dated 05.07.2022, passed by learned Senior Civil Judge, Orakzai, in Civil Suit bearing No.08/1 of 2022; whereby, the learned Trial Court has rejected application for grant of temporary injunction of plaintiffs.</p> <p>3. The brief facts of the suit pending trial in the Civil Court are such that plaintiffs being owner in possession of landed property situated at Arang Dara have delivered property to the defendant for cultivation. Defendants are asserting their selves as owners instead of tenants and by now are intending to install tube-well that necessitated institution of suit for declaration and injunction.</p> <p>4. Defendants on appearance negated the stance of the plaintiffs and had taken specific plea that they are owners in possession of the property and plaintiffs have got no nexus with the suit property. The tube-well is being established with the consent of all the owners and that presentation of suit is based on mala fide.</p> <p>5. The learned Trial Judge had rejected application for grant of temporary injunction vide Order dated 05-07-2022. The plaintiffs being aggrieved filed instant Misc. Civil Appeal, which is under consideration.</p> <p>6. Mr. Abid Ali Advocate while opening the appeal has stated before the Court that both the parties are mutually agreed on carrying on construction work of tube well over</p>

  
**SAYED FAZAL WADOOD**  
Addl: District & Sessions Judge  
Orakzai at Hangu

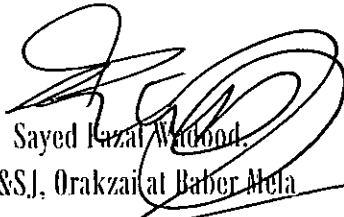
disputed property on own risk and cost of defendants.

7. Joint statement of the parties has been recorded on oath and their signatures have been obtained in the presence of both the counsel representing parties.

8. In the light of above discussed facts and circumstances of the case followed by mutual consent of the parties and without touching merits of the case, this Court holds that the construction work shall be carried out on risk and cost of the defendants and such installation of tube-well shall not affect the rights of ownership of the parties at the time of final determination of the matter in issue.

9. Instant Civil Miscellaneous appeal is disposed of accordingly. Requisitioned record be returned with the copy of this Order while file of this Court be consigned to the District Record Room Orakzai after completion and compilation, within the span allowed for.

**Announced in open Court**

  
Sayed Iqbal Ahmad  
AD&S.J, Orakzai at Baber Mela