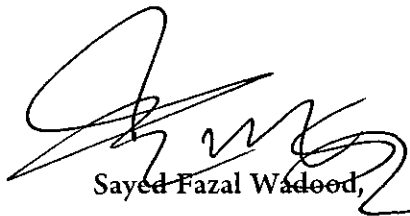


7

Court of Additional Sessions Judge, Orakzai at Baber Mela

Case Title Muhammdi Jan vs M. Jamil.

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.10	01.07.2022	<p>Appellant in person along with Mr. Zahoor Ur Rehaman Advocate and respondent in person are in attendance.</p> <p>The appellant when asked regarding his intention of transfer of property in dispute; he answered that he is neither selling the property nor changing its nature as the property is his ownership through inheritance. Learned counsel representing the appellant was asked to finalize the disposal of appeal against injunctive order with mutual consent of the opponent counsel. Counsel representing respondents is unavailable being outstation; Hence, adjourned to 06.07.2022.</p> <p style="text-align: right;"> Sayed Fazal Wadood, AD&SJ, Orakzai at Baber Mela</p>



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

Civil Misc. Appeal No. 2/14 of 2022

Date of institution: 14.03.2022

Muhammadi Jan etc. Vs Muhammad Jameel

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-06	06/07/2022	<p>Appellant in person along with Zahoor ur Rehman for appellant and Mr. Abid Ali 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 19.02.2022, passed by learned Senior Civil Judge, Orakzai, in Civil Suit bearing No.50/1 of 2021; whereby, the learned Trial Court has accepted application for grant of temporary injunction of plaintiff.</p> <p>3. The brief facts of the suit pending trial in the Civil Court are such that plaintiff being owner in possession of landed property of 01 Jerib and 01 Kanal situated at Badan Kalay Mala Khel has entered into agreement to sell with the defendant against sale consideration of Rs. 435,000/- vide agreement dated 11-06-2006. An amount of Rs. 150,000/- has been payed and the balance amount was promised to be paid. Vacant possession of suit property was delivered to defendant but so far, neither balance amount has been paid nor has the income of suit property been shared with the plaintiff. It was prayed in suit for declaration and recovery of money that defendant may be directed to pay back the market price of the property as Rs. 1,500,000/- or rescission of contract may be made.</p> <p>4. Defendant on appearance negated the stance of the plaintiff and had taken specific plea that he is owner in possession of the property and plaintiff has got no nexus with the suit property. The agreement to sell dated 11-06-2006 was termed bogus and fake.</p> <p>5. The learned Trial Judge had accepted application for</p>


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

9

grant of temporary injunction vide Order No.13 dated 19-02-2022. The defendant being aggrieved filed instant Misc. Civil Appeal, which is under consideration.

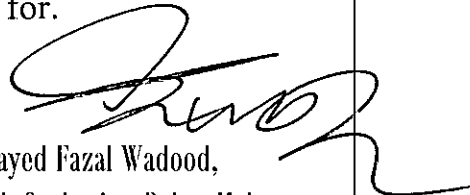
6. Mr. Zahoor ur Rehman Advocate while opening the appeal has stated before the Court that the property is ancestral property of the appellant/defendant and he has no intention of the transfer of property. The appellant being present in person has confirmed statement at the bar of learned counsel representing defendant.

7. Mr. Abid Ali Advocate representing respondent/plaintiff that if the defendant is not going to further transfer the property in dispute, he will be having no objection over the possession or utilization of the same by appellant.

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 defendant will not transfer the property and that will continue his possession and utilization for preserving status quo in accordance with the law.

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 Fazal Wadood,
AD&SJ, Orakzai at Baber Mela