

Or.....11
30.06.2022

(2)

Plaintiff along with counsel present.

Through my this single order, I intend to dispose off the instant suit ex-parte.

Brief facts of the case are that the plaintiff file the instant suit for declaration-cum-perpetual and mandatory injunction to the effect that plaintiff is the exclusive owner in possession of a house situated at Gabri, to the West of which is kacha road, to the East of which is a stream, to the North of which is the property of Muzamil Shah and the South of which is the property of Khan Wali. That the defendants are going to metal the kacha road situated on the West of the house of the plaintiff, for which the defendant no. 03 have issued a notice Dated: 07.12.2021 through which the plaintiff has been directed to demolish the Western boundary wall of his house up to 02 meters inside the house as they are going to extend the said road. That the kacha road and the adjacent open field is the property of the plaintiff and the defendants may extend the said road towards the open field of the plaintiff instead of asking the plaintiff to demolish the Western wall of his house. That the plaintiff asked the defendants to occupy the open field for the extension of the road instead of demolishing the Western wall of the house of the plaintiff but they refused, hence, the present suit. vi

The defendants were served through the process of the court but they failed to appear before the court despite proper service, hence, placed and proceeded ex-parte.

The plaintiff produced ex-parte evidence in the shape of the statements of the one Shandi Gul, the PW-01, Habib Hussain, the PW-02, Muhammad Qasim, the PW-03 and Ashna Gul, the PW-04. These witnesses fully supported the stance of the plaintiff by narrating the same stories as in the plaint. They also produced
Continue.....

REHMAT UL I. AH WAZIR
Senior Civil Judge/JM,
Orakzai at Baber Meia

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Shandi Gul Vs C&W, Orakzai etc

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the pictures of the site which are Ex.PW-1/3, the notice of the defendant No. 03 as Ex.PW-1/1, the site plan as Ex.PW-1/4.

Ex-parte arguments heard and record perused.

After hearing of ex-parte arguments and perusal of the record, I am of the opinion that the plaintiff established his case through cogent and reliable evidence. There is an open option available with the defendants to occupy the open field adjacent to the kacha road on one side instead of asking the plaintiff to demolish his built-up wall on the other side of the kacha road. Also, there is nothing in rebuttal. Thus, the court is left with no other option, therefore, the suit of the plaintiff is hereby **ex-parte decreed** as prayed for with costs.

File be consigned to the record room after its necessary completion and compilation.

Announced
30.06.2022


REHMAT ULLAH WAZIR
(Rehmat Ullah Wazir)
Senior Civil Judge/JM,
Orakzai (at Baber Mela)
Senior Civil Judge,
Orakzai (at Baber Mela)