

**IN THE COURT OF SAMI ULLAH, CIVIL JUDGE-I,
ORAKZAI (AT BABER MELA).**

Civil suit No.....103/1
Date of original institution07-07-2021
Date of decision29-07.2022

Fazal Rehman S/O Gul Khan section Mamozai sub-section Ado Khel P/O Ghiljo Tehsil District Upper Orakzai..... (Plaintiff)

Versus

1. Moon Khan S/O Sarwar Khan,
2. Shareef Khan S/O Payo Khan,
3. Mesri Khan S/O Payo Khan

(All residence of Section Akhon Kot Sub-Section Ado Khel P/O Ghiljo Tehsil Upper Ali Khel District Orakzai.....(Defendants))

**SUIT FOR DECLARATION WITH PERPETUAL
MANDATORY INJUNCTION**

EXPARTE JUDGMENT:

1. Brief facts of the case, as per averments made in the plaint, are that the plaintiff being a member of cast Mamozai along with other shareholders is the owner in possession of suit property (detail of which is fully mentioned in the head note of the plaint). The defendants are strangers to suit property and are interfering in it wrongly and illegally. The plaintiff sought injunction that the defendants be restrained from interference in suit land.
2. Defendants were summoned but they did not appear before the court despite service, therefore, placed and proceeded against ex-parte. Thereafter, plaintiff was allowed to

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produce his ex-parte evidence after submission of list of witnesses. Plaintiff was directed to produce his ex parte evidence.

3. Detail of plaintiff's witnesses and exhibited documents are as under: -


	WITNESSES	EXHIBITIONS
PW-1	Mufti Afzal S/O Jalander khan R/O Ghiljo, Upper Orakzai.	Copy of the CNIC is Ex-PW1/1
PW-2	Sher Afzal S/O Abdul Akbar R/O Khadizai, Lower Orakzai.	Copy of the CNIC is Ex-PW2/1
PW-3	Hashmat Khan S/O Khan Akbar R/O Ghiljo, Upper Orakzai	Copy of the CNIC is Ex-PW3/1

4. Ex-parte arguments heard and record perused.
5. Learned counsel for the plaintiff, Mr. Malik Muhammad Farooq Khattak Advocate, argued that the plaintiff claimed declaration and permanent injunction on the basis of the fact that he along with others are owners in possession of suit property while defendants are strangers. He stated that defendants being belligerent and headstrong are interfering in the suit property wrongly. He stated that the plaintiff has proved his stance by producing cogent and confidence inspiring oral evidence in support of stance of the plaintiff while there is nothing in rebuttal hence, prayed for decree of the suit.

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6. Mufti Afzal, Sher Afzal and Hashmat Khan appeared and recorded their statements as PW-1, PW-2 and PW-3. They supported the claim of plaintiff. Copies of their CNICs are Ex-PW1/1, Ex-PW2/1 and Ex-PW3/1.
7. The plaintiff witnesses who appeared as PW-1, PW-2 and PW-3 claimed that the defendants are strangers to the suit property and are interfering in it wrongly and illegally
8. Thereafter, ex-parte evidence of plaintiff was closed.
9. As there is nothing in rebuttal due to ex-parte, therefore, suit of plaintiff is hereby decreed as prayed for. This decree shall not affect the rights of others, interested if any.
10. Costs to follow the events.
11. File of the Court be consigned to record room after its completion and compilation.

Announced:
29-07-2022.


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