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**IN THE COURT OF SHABEER AHMAD,**  
CIVIL JUDGE-II TEHSIL COURTS, KALAYA, ORAKZAI

Civil Suit No. 21/1 of 2022  
Date of Original Institution: 15.09.2021  
Date of Transfer In: 28.06.2022  
Date of Decision: 05.08.2022

**Safi Ullah son of Nasrullah Khan**, resident of Qaum Mishti, Tappa Mamizai, District Orakzai, presently Srakdana, Tehsil & District Hangu.

*(Plaintiff)*

**VERSUS**

- 1. Musharaf Khan son of Hikmat Sher,**
- 2. Khayal Jan son of Jamal Sher,** both residents of Qaum Mishti, Mir Ghara, Mishti Mela, Tehsil Central District Orakzai.

*(Defendants)*

**SUIT FOR RECOVERY**

**Ex-Parte Judgment/Order:**

**05.08.2022**

Plaintiff Safi Ullah son of Nasrullah Khan has brought the instant suit for recovery against defendants, Mushraf Khan and Khayal Jan seeking therein that plaintiff had a land dispute with one Ghaneeb Gul son of Shandi Gul. That defendants took an amount of 65000/- from the plaintiff that they will resolve the dispute between the plaintiff and Ghaneeb Gul. That if the defendants failed to solve the dispute, they will return the same amount i.e. Rs: 65000/- to the plaintiff. That neither the defendants solved the dispute nor returned the amount of the plaintiff.

That the defendant were asked time and again to return the amount of the plaintiff, but they refused. In this

*Shabeer Ahmad*  
Shabeer Ahmad  
Civil Judge/JM-II  
Orakzal at (Kalaya)

respect legal notice dated 17.08.2021 was served upon the defendants but they failed to reply the same, hence, the present suit.

Defendants were summoned but they did not appear despite proper service, hence, placed and proceeded **Ex-Parte.**

Plaintiff was allowed to produce his ex-parte evidence, who produced three witnesses in his support. During the ex-parte evidence Mr. Safi Ullah son of Nasrullah Khan, the plaintiff himself appeared as PW-01, who stated that plaintiff had land dispute with one Ghaneeb Gul son of Shandi Gul. That defendants took an amount of 65000/- as a security in the presence of Jirga members that they will resolve the dispute. And if defendants failed to solve the dispute between the plaintiff and Ghaneeb Gul they will return the same amount to the plaintiff. Defendants neither resolved the dispute nor returned the amount. He lastly prayed for the recovery of amount from the defendants.

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Mr. Ghazi Rehman son of Hameed Shah, resident of Qaum Mishti, District Orakzai, appeared as PW-02, who stated that the amount of 65000/- were given to the defendants in our presence. That they had requested the defendants through a Jirga to return the amount to the plaintiff but they are using the delaying tactics and are not

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interested to return the same amount. He lastly prayed for recovery of said amount to the plaintiff.

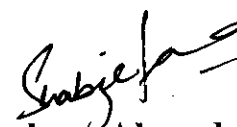
Further, Mr. Toti Rehman son Eidat Khan, resident of Qaum Mishti, District Orakzai, appeared before the court and recorded his statement as PW-03, who supported the stance of the plaintiff by narrating the same story as in the plaint.

Ex-parte arguments of the learned counsel for the plaintiff 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 evidence and as there is nothing in the rebuttal, therefore, the suit of the plaintiff is hereby ex-parte decreed as prayed for. No order as to costs.

File be consigned to the District Record Room, Orakzai after its completion and compilation.

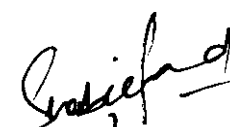
**Announced**  
**05.08.2022**

  
**Shabeer Ahmad,**  
Civil Judge-II,

Tehsil Courts, Kalaya, Orakzai

**CERTIFICATE**

Certified that this judgment of mine consists of 03 pages, each has been checked, corrected where necessary and signed by me.

  
**Shabeer Ahmad,**  
Civil Judge-II,

Tehsil Courts, Kalaya, Orakzai