

(25) /

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

Civil Suit No. **127/1 of 2022**
Date of Original Institution: **03.09.2022**
Date of Decision: **17.11.2022**

Tash Khan son of Gul Zada, resident of Qaum Mishti, Tapa Haider Khel, Sangra Bazar, PO Mishti Mela, Tehsil Central District Orakzai.

.....(Plaintiff)

VERSUS

- 1. Akhter Zaman son of Neezab Khan and**
- 2. Rayat Ullah son of Akhter Zaman**, both residents of Qaum Mishti, Tapa Haider Khel, Sangra Bazar, PO Mishti Mela, Tehsil Center District Orakzai.

.....(Defendants)

SUIT FOR DECLARATION-CUM- PERPETUAL AND MANDATORY INJUNCTION AND POSSESSION

Ex-Parte Judgment/Order:
17.11.2022

Plaintiff alongwith counsel present. Ex-parte argument already heard and record perused.

Through this ex-parte order, I will decide the suit in hand filed by plaintiff against defendants.

Brief facts of the case in hand are that plaintiff **Tash Khan son of Gul Zada** has filed the instant suit for declaration-cum-permanent injunction and possession through partition to the effect that plaintiff is co-sharer in the joint and undivided inherited property measuring 1.5 Marlas fully detailed in the headnote of the plaint and he is entitled to his proportionate/Shari share in the suit property. That the suit

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property is the ancestral ownership of the parties. That no partition has taken place regarding the suit property and defendants have started constructing Veranda on the suit property which is illegal and ineffective upon the rights of plaintiff. That defendants have no right to deny the legal rights of the plaintiff and that defendants were asked time and again to admit the legal claim of the plaintiff, but in vain, hence, instant suit.

Defendants were summoned, they appeared before the court and marked their attendance, but later did not appear before the court to pursue the instant suit, therefore, placed and proceeded **Ex-Parte**.

Plaintiff was allowed to produce his ex-parte evidence, who produced three (02) witnesses in his support.

Plaintiff Tash Khan son of Gul Zada himself appeared and deposed as PW-01. He reiterated the averments of plaint. Sketch of the suit property is Ex. PW-1/1, pictures of the suit property is Ex. PW-1/2 (comprising of 03 pages) and photocopy of CNIC is Ex. PW-1/3. He lastly requested for decree of suit against defendants.

Said Kamal son of Noor Kamal appeared and deposed as PW-02. He also supported the claim of the plaintiff. His copy of CNIC is Ex. PW-2/1.

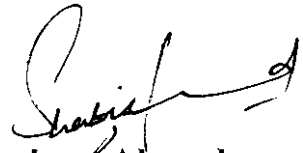
There is no land record in this newly merged district. Similarly, there is nothing in rebuttal due to ex-parte,

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therefore, plaintiff is held entitled to his Shari share in the disputed property and ex-parte preliminary decree is passed in his favor against the defendants as prayed for. No order as to cost. This decree shall not effect rights of others interested, if any.

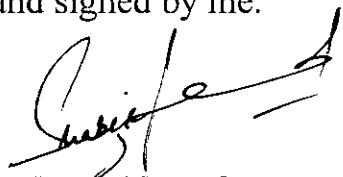
File be consigned to the District Record Room, Orakzai after its completion and compilation.

Announced
17.11.2022


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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