

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

Civil Suit No. 118/1 of 2021
Date of Original Institution: 23.11.2021
Date of Transfer In: 04.08.2022
Date of Decision: 16.08.2022

Yar Zali son of Nouroz Ali, resident of Qaum Bezot, Tappa yar Kalli Khel, Teshisl Lower, District Orakzai.

(Plaintiff)

VERSUS

- 1. Seena Gul son of Nazir Gul,**
- 2. Khani Khel son of Seena Gul,** both residents of Qaum Bezot, Tappa Shabi Khel, Tehsil Lower District Orakzai.

(Defendants)

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

Ex-Parte Judgment/Order:

16.08.2022

Plaintiff Yar Zali son of Nouroz Ali has brought the instant suit for declaration-cum-permanent injunction and possession against defendants, seeking therein that the suit property situated at Banda Jaat, Oblan, Qaum Bezot detailed in the headnote of the plaint is the ownership and possession of the plaintiff since their ancestors and defendants have nothing to do with the suit property and plaintiff be declared as the lawful owner and possessor of the suit property. That the defendants be restrained from any type of interference in the suit property. That the defendants are illegally and unlawfully interfering in the suit property. That defendants were asked time and again through Jirga to resolve the matter

Shabeer Ahmad
Shabeer Ahmad
CJ-II-16-08-2022
Orakzai at (Kalaya)

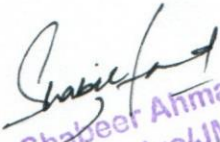
and to not interfere in the suit property but in vain, hence, instant suit.

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 (03) witnesses in his support.

Mr. Yar Zali son of Nowroz Ali, the plaintiff himself appeared as PW-01, his CNIC is exhibited as Ex. PW-1/1 and stated that he is the owner and possessor of the suit property situated at Banda Jaat, Purana Graj, Oblan, Qaum Bezot detailed in headnote of the plaint. That defendants or any other persons have nothing to do with the suit property. That I am the only lawful owner and possessor of the suit property which I inherited from my forefathers. That the defendants are trying to interfere in the suit property that's why I have filed the instant suit. He lastly prayed for decree of the suit.

Mr. Gul Zali Khan son of Khayal Zali Khan, resident of Qaum Bezot, Tappa Yar Kalli Khel, District Orakzai, appeared as PW-02, his CNIC is exhibited as PW-2/1 and stated that the plaintiff is owner in possession of the suit property since his forefathers and defendants or any other person have nothing to do with the inherited property of the plaintiff. That property is situated at purana Graj.


Shabeer Ahmad
Civil Judge, JM-II
16-08-2022
Orakzai (Kalaya)

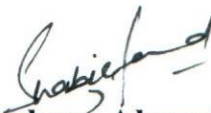
Muhammad Alam son of Momin Khan, appeared as PW-03, his CNIC is exhibited as Ex. PW-3/1 and narrated the same story as described by PW-02.

Ex-parte arguments of the learned counsel for the plaintiff heard and record perused.

There is nothing in rebuttal due to ex-parte and the plaintiff produced reliable evidence in support of his claim, therefore, ex-parte decree passed in favor of the plaintiff against the defendants as prayed for. No order as to costs.


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

Announced
16.08.2022


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