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IN THE COURT OF ZAHIR KHAN CIVIL JUDGE-I, KALAYA, ORAKZAI

Case #	=	40/1
Date of Original Institution	=	23.12.2020.
Date of Transfer In	=	18.06.2021.
Date of Decision	=	26.08.2022.

Mehrban Khan S/O Gul Badshah R/O Qoum Mishti, Tappa Mamazai, Village Injghalay, Tehsil Lower, District Orakzai.

.....*Plaintiff*

Versus

- 1) Said Akbar S/O Din Badshah,
- 2) Muhammadi Khan,
- 3) Muhammad Rehman both sons of Said Akbar,
- 4) Yabali Shah S/O Awal Shah all R/O Qoum Mishti, Tappa Mamazai, Village Injghalay, Tehsil Lower, District Orakzai.

.....*Defendants*

SUIT FOR PERPETUAL INJUNCTION

ORDER. NO. 21

26.08.2022

Plaintiff along with counsel present. Ex-parte arguments already heard and record perused.

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

Brief facts of the case in hand are that plaintiff has filed the instant suit for perpetual injunction to the effect that plaintiff is the lawful owner in possession of the suit property in shape of plot fully detailed through boundaries in the head note of plaint. That defendants have malafidely constructed a bathroom/toilet near the under-construction plot of plaintiff and the dirty water flows in to the suit plot causing great inconvenience to plaintiff. That defendants were asked



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time and again to stop the flow of dirty water/waste into the under-construction plot of plaintiff but in vain, hence, the present suit.

Defendants were summoned. On 19.01.2019 defendant No. 2 and No. 3 namely Muhammadi Khan and Muhammad Rehman appeared before the court. Their thumb impressions were obtained at the margin of order sheet accordingly. Defendant No. 4 namely Yabali Shah appeared before the court on 02.03.2021. Defendant No. 1 did not appear before the court. Defendant No. 1 to No. 3 were placed and proceeded against ex-parte vide order dated 02.03.2021 while defendant No. 4 was placed and proceeded against ex-parte vide order dated 30.03.2021. Thereafter, plaintiff was allowed to produce his ex-parte evidence accordingly.

After submission of list of witnesses, plaintiff produced three witnesses in support of his claim and contention and closed his evidence.

Plaintiff namely Mehrban Khan himself appeared and deposed as PW-01 and reiterated the averments of plaint. Photocopy of his CNIC is Ex-PW 1/1 and he lastly requested for decree of suit.

Muhammad Ibrahim S/O Walayat Khan and Walayat Khan S/O Gul Badshah appeared and deposed as PW-02 and PW-03 respectively. They fully supported the claim of plaintiff. Photocopies of their CNICs are Ex-PW2/1 and Ex-PW3/1 respectively.

As there is nothing in rebuttal due to ex-parte and plaintiff produced reliable evidence in support of his claim, therefore, suit of plaintiff is hereby ex-parte decreed in favor of plaintiff against the defendants as prayed for. No order as to cost.

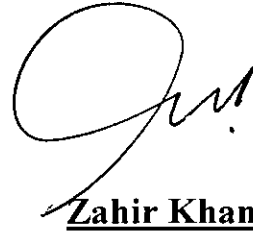


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File be consigned to record room after the necessary completion
and compilation.

ANNOUNCED
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