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IN THE COURT OF SAMI ULLAH,
CIVIL JUDGE-I, ORAKZAI AT BABER MELA

Civil Suit No. 44/1 of 2022
Date of Institution: 27/09/2022
Date of Decision: 03/12/2022

.....

Fida Hussain S/O Haider Ghulam

Resident of Hall sector-II, KDA, District Kohat.

.....(Plaintiff)

VERSUS

Basheer Hussain S/O Muhammad Askar

Resident of Qoam Many Khel, Tappa Char Khel, Tehsil Lower Kalaya,
District Orakzai, presently Chakar Kot Balawish Khanako, Tehsil and
District Kohat.

..... (Defendant)

**SUIT FOR DECLARATION, CUM PERPETUAL AND
MANDATORY INJUNCTION**

JUDGEMENT UNDER ORDER XV RULE 1 CPC:
03.12.2022

1. Brief facts of the case in hand are that the plaintiff namely **Fida Hussain S/O Haider Ghulam** has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendant, referred hereinabove, seeking declaration therein that the plaintiff is the owner of 14 marlas land fully detailed in the head note of the plaint and that the defendant be restrained to interfere in sale negotiation between the plaintiff and third party with respect

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to suit property. That defendant was repeatedly asked not to interfere in the said negotiation/deal regarding the sale of suit property but in vain, hence, the instant suit.

2. Defendant was summoned, who appeared before the court and submitted written statement.
3. After discovery management and scheduling conference the defendant through his attorney recorded his statement in the court that the defendant has no concern with the suit property and he has not interfered in any way in the same. He also stated that he has no objection if the suit property be disposed off by the plaintiff. His statement is also in conformity with the written statement submitted in the instant suit.
4. In the present circumstances, this court is of the view that since parties are not at issue, hence, the instant suit can be disposed off instantly under order XV Rule I of CPC which reads is under.

“1. Parties not at issue. Where at the first hearing of a suit it appears that the parties are not at issue on any question of law or of fact, the court may at once pronounce judgment.”

As for as the instant suit is concerned the plaintiff sought declaration cum perpetual injunction to the effect that the plaintiff is the owner of the suit property and that the

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defendant be restrained from interference in the same and the defendant be directed not to restrained any third party to purchase the suit property. Defendant in his written statement stated on oath that neither he has restrained any person from purchasing the suit property nor he intends to do so in future. The defendant also recorded statement before the court which was in conformity with his statements in the written statement.

5. Thus, in view of what is discussed above, the instant suit is decreed and defendant is directed not to interfere in any manner in the suit property. Moreover, this decree can't be treated as title document in respect of the suit property and should not affect the rights of any other person.
6. Parties are left to bear their own costs.
7. File be consigned to the record room after its necessary completion and compilation.

Announced
03.12.2022

Sami Ullah
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Civil Judge-I,
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CERTIFICATE

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

Sami Ullah
Sami Ullah
Civil Judge-I,
Orakzai (at Baber Mela)