

(17)

IN THE COURT OF REHMAT ULLAH WAZIR,
SENIOR CIVIL JUDGE/JUDGE FAMILY COURT, ORAKZAI

Family Suit No. 1/3 of 2022

Date of Institution: 21.05.2022

Date of Decision: 26.11.2022

1. Mst. Shajmina Bibi D/O Muhammad Nawaz.
R/O Andkhel, District Orakzai..... (Plaintiff)

VERSUS

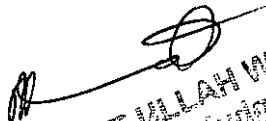
1. Riaz Khan S/O Zargar Khan
R/O Aqa Khel, Barra, District Khyber..... (Defendant)

**SUIT FOR RECOVERY OF DOWER AND
MAINTENANCE**

JUDGMENT:

Through this judgment I intend to dispose-of the instant suit, instituted on 21.05.2022, through which the plaintiff sought for recovery of dower and maintenance.

Brief facts of the case are that the marriage of the parties was contracted according to Sharia in 2007. That out of the wedlock, the plaintiff gave birth to a daughter and 02 sons. That the dower of the plaintiff was fixed as 1 ½ Tolas Gold according to Nikah Nama but the same is unpaid and the Nikah Nama is still in the possession of the defendant. That for the last 2/2½ years, the attitude of the defendant and other family members was cruel and they used to beat up the plaintiff and


REHMAT ULLAH WAZIR
Senior Civil Judge/JA,
Orakzai of Barak Mela

18

ousted the plaintiff several times but she bore all these things for saving the honour. In this respect, Jirga was conducted several times but the defendant along with his other family members ignored it. That the defendant did cruelty to the plaintiff and finally divorced her and imprisoned her in his house and compelled her to lead an immoral life, which she refused. That now he refuses to have divorced the plaintiff. That he has married a second wife.

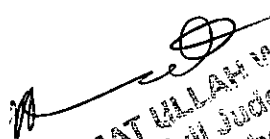
That the defendant was asked time and again to admit the claim of the plaintiff but he refused, hence, the present suit.

Defendant was summoned, who failed to appear before the court, hence, placed and proceeded ex-parte.

Plaintiffs produced ex-parte evidence. During the ex-parte evidence, the plaintiff produced witnesses, in whom the one Stana Khel s/o Sheikh Gul, relative of the plaintiff appeared as PW-01, who supported the stance of the plaintiff by narrating the same story as in the plaint and produced his CNIC which is Ex.PW-1/1. Further, the plaintiff herself appeared as PW-02, who narrated the same story as in the plaint.

Ex.Parte Arguments heard and record perused.

After hearing of ex-parte arguments and perusal of the record, I am of the opinion that the plaintiff established her

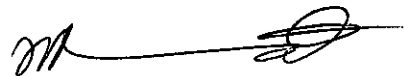

REHMAT ULLAH WAZIR
Senior Civil Judge/JM,
Orakzai at Baber Mela

(19)

claim through cogent and reliable evidence in ex-parte and there is nothing in rebuttal, therefore, the court is left with no other option, hence, the suit of the plaintiff is hereby *ex-parte* decreed as prayed for with costs.

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

Announced
26.11.2022



(Rehmat Ullah Wazir)
SCJ/JFC,
Orakzai (at Baber Mela)
REHMAT ULLAH WAZIR
Senior Civil Judge/JM,
Orakzai at Baber Mela

CERTIFICATE

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



(Rehmat Ullah Wazir)
SCJ/JFC,
Orakzai (at Babe Mela).
REHMAT ULLAH WAZIR
Senior Civil Judge/JM,
Orakzai at Baber Mela