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

Case #	=	338/1 of 2020.
Date of Original Institution	=	02.10.2020.
Date of Transfer In	=	21.06.2021.
Date of Decision	=	01.12.2022.

Bakht Karam S/O Malak Gul Karam Khan R/O Khando, presently residing at Sherkot, District Kohat.

.....*Plaintiff*

Versus

Shezada S/O Khyal Badshah, R/O Qaum Ali Khel, Orakzai presently residing at District Kohat.

.....*Defendant*

**SUIT FOR RETURN OF VEHICLE AND RECOVERY OF RS.
920,000/- AS ALTERNATE**

ORDER. No. 19
01.12.2022

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

Through this ex-parte order, I will decide the suit in hand filed by plaintiff Bakht Karam against the defendant Shehzada.

Brief facts as per averments of amended plaint are that plaintiff has filed the instant suit for return of vehicle and in alternate recovery of Rs. 920,000/- to the effect that plaintiff purchased motorcar Toyota Corolla, bearing registration No. LEJ-07-5762, Model 2007, engine No. NZE1206076971 vide sale deed dated 15.02.2014. That out of sale consideration, Rs. 450,000/- was paid at the spot and the remaining amount of Rs. 470,000/- was paid after handing over registration book



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and vehicle to plaintiff by defendant. The remaining amount was paid on 21.02.2014. That the registration of vehicle was found bogus and defendant forcibly snatched the vehicle from plaintiff. Plaintiff submitted a written application to DPO, Orakzai but no action was taken. Plaintiff demanded return of the vehicle or sale price (Rs. 920,000/-) but in vain, hence, the present suit.

Defendants were summoned out of whom, defendant No. 1 appeared and contested the suit by filing written statement while names of defendant No. 2 & No. 3 were deleted from the panel of defendants vide order dated 29.05.2021 being unnecessary party to the suit. Later on, defendant No. 1 absented himself, therefore, he was placed and proceeded against ex-parte. 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.

Zulfiqar and Masood Ali appeared and deposed as PW-01 and PW-02 respectively. They fully supported the claim of plaintiff. Photocopies of their CNICs are Ex-PW-1/1 and Ex-PW-2/1 respectively.

Plaintiff namely Bakht Karam himself appeared and deposed as PW-03 and reiterated the averments of plaint. Photocopy of his CNIC is Ex-PW-3/1. Sale deed dated 15.02.2014 was exhibited as Ex. PW-3/2.



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Copy of written application to DPO, Orakzai is Ex. PW-3/3. Registration book along with relevant documents (15 sheets) are Ex. PZ. He lastly requested for decree of suit against defendant as prayed for.

As there is nothing in rebuttal due to ex-parte and plaintiff produced cogent, convincing and reliable evidence in support of his claim and contention, therefore, suit of plaintiff is hereby ex-parte decreed in favor of plaintiff against the defendant to the effect that defendant shall return the sale price amounting Rs. 920,000/- to plaintiff. No order as to cost.

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

ANNOUNCED
01.12.2022



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