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

Suit No.....109/1 of 2020.
Date of Original Institution.....08.09.2020.
Date of Present Institution.....16.07.2021.
Date of Decision.....06.08.2022.
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Sami Ullah alias Israeel R/O Qoum Mishti, Tappa Darwi Khel, Tehsil Central, District Orakzai
.....(Plaintiff)

VERSUS

1. Arbab Khan,
 2. Taj Ali Khan both sons of Safer Hussain R/O Qoum Mishti, Tappa Haider Khel, Mishti Bazar, Tehsil Central, District Orakzai.
-(Defendants)

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SUIT FOR DECLARATION CUM-PERMANENT INJUNCTION

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SUMMARY JUDGMENT

06.08.2022

Plaintiff present. Defendant No.1 along with counsel present. Parties and their counsels have requested for summary disposal of the suit on the basis of statement of defendants recorded on 05.08.2022 and available record.

Brief facts of the case in hand are that plaintiff has filed the instant suit against the defendants for declaration cum-permanent injunction and possession to the effect that plaintiff is lawful owner of the 05 Marla suit house but defendants have illegally occupied the suit house. That defendants have no concern whatsoever with the suit house and that defendants were asked time and again to admit the legal claim of plaintiff but in vain, hence, the present suit.

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Defendants were summoned who appeared before the court and contested the suit by submitting written statement wherein it is averred

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that they have no concern whatsoever with the suit house, however, in the year 2007, the suit house was constructed on the directions of brother of plaintiff namely Ismail Khan and the construction cost/labour cost of Rs. 2 lacs are yet to be paid to the defendants.

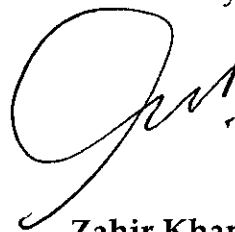
Issues were framed and case was fixed for submission of Proforma F1, F2 and G. On 05.08.2022 defendants recorded their joint statement in presence of their counsel stating that they are not denying ownership of plaintiff and they are not in possession of the suit house. They further stated that they have got no concern whatsoever with the suit property. Joint statement of defendants is duly thumb impressed by them. Copies of their CNICs are Ex. PA and Ex. PB. Lastly, parties and their counsels requested for summary disposal of the suit.

As mentioned above, defendants are not denying ownership of plaintiff and defendants are not in possession of the suit house which fact is also admitted by plaintiff present in the court. Parties have requested for summary disposal of the case on the basis of statement of defendants and available record.

Resultantly, suit in hand is hereby decreed in favour of plaintiff against defendants as prayed for. No order as to cost. This decree shall not affect rights of others interested, if any. Furthermore, defendants may approach the court for recovery of construction/labour cost of Rs. 2 lacs by filing recovery suit if so advised into the matter.

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

ANNOUNCED
06.08.2022



Zahir Khan
Civil Judge-I, Kalaya, Orakzai