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FORM "A"

FORM OF ORDER SHEET

IN THE COURT OF SYED ABBAS BUKHARI, CIVIL JUDGE/JUDICIAL MAGISTRATE/CJ-II, KALAYA ORAKZAI

Case Title: _____ Vs _____

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order 12	20.03.2024  20.03.2024 SYED ABBAS BUKHARI Civil Judge/JM-II Tehsil Courts Kalaya	<p>Plaintiff present.</p> <p>Vide this ex-parte order I intend to dispose of instant suit.</p> <p>Arguments already heard and record perused.</p> <p>Brief facts of the case as narrated in the plaint by the plaintiff are that plaintiff is resident of District Karak and work as PT contractor. Defendants no.02 and no.03 are government contractors while defendant no.01 is junior clerk in Public Health department, who obtain contracts on ring and further distribute them to PT contractors. Plaintiff entered into an agreement dated; 24.07.2021 with Muhammad Haroon in respect of construction of ground floor and first floor of High School Spin Baigi at full labour rate of Rs-450. During construction plaintiff and Muhammad Haroon also agreed for construction of High School Aavi Mela at 70% full labour rate through an oral agreement. Thereafter plaintiff asked Muhammad Haroon scribe a written agreement in respect of High School Aavi Mela, just like the agreement of High School Spin Baigi but he did not honored the request of plaintiff. On the basis of trust plaintiff started work on both the school and managed to construct structure of ground and first floor of both the schools. In April 2023 due to Holy month of Ramdan and non-releasing of cheque by Muhammad Haroon further construction work was stopped. However in the month of August 2023 defendant no.01 started work from other PT contractors and when plaintiff demanded his due amount from him, defendant</p>

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Continued..
Order 12

20.03.20

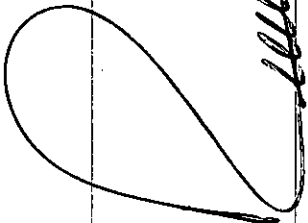
no.01 exercised delaying tactics on one pretext or the other. In this respect several Jargas were also convened but defendants refused to make good the loss of plaintiff. Furthermore, Rs 5969699/- and Rs-7467705/- are still outstanding against defendants in respect of Spin Baigi School and Aavi Mela School respectively.

After institution of suit defendants were summoned through publication in daily Mashriq but they failed to appear, hence were placed and proceeded as ex-parte and plaintiff was directed to produce his ex-parte evidence. Accordingly plaintiff produced as many as five PWs and thereafter closed his evidence with a note and accordingly counsel for the plaintiff advanced ex-parte evidence.

Now on perusal of the available record, evidence produced by plaintiff and valuable assistance of learned counsel for the plaintiff, this court is of the humble view that plaintiff produced and examined five witnesses in support of his stance previously alleged in the plaint. Perusal of the evidence produced by plaintiff would reveal that all the PWs fully supported the stance of plaintiff and further due to ex-parte proceedings nothing in rebuttal has been brought on the record. Moreover plaintiff also produced Ex-PW1/1 and Ex-PW 2/2, which also support his stance.

In light of the above discussion as plaintiff succeeded to prove his stance through his evidence and furthermore, due to ex-parte proceedings there is nothing in rebuttal or contradictory available on the record, hence accordingly suit in hand is hereby decreed in favour of plaintiff for the relief as claimed for. No order as to

20.03.2024
SYED ABBAS BUKHARI
Civil Judge/JM-II
Tehsil Courts Kalaya



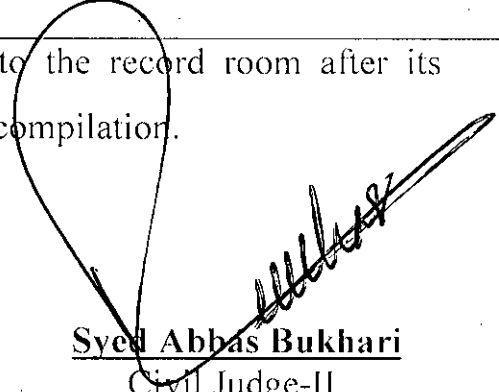
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costs. File be consigned to the record room after its necessary completion and compilation.

Announced
20.03.2024


Syed Abbas Bukhari
Civil Judge-II,
Tehsil Court Kalaya, Orakzai