

FORM "A"

FORM OF ORDER SHEET

IN THE COURT OF SYED ABBAS BUKHARI, CIVIL JUDGE/JUDICIAL MAGISTRATE/CJ-II, KALAYA ORAKZAI  
Case Title: Abdul Hameed Vs Abdul Haleem

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 <del>18</del>	27.04.2024	<p>Parties present.</p> <p>Vide this order I intend to dispose of instant application for grant of temporary injunction filed by plaintiffs, hereinafter referred as the petitioners.</p> <p>Arguments already heard and record perused.</p> <p>Now on perusal of the record and valuable assistances of both the learned counsels for the parties, this court is of the humble view that petitioners through instant suit allege that parties to the suit are cousins inter se and further suit property was initially ownership of one Ghulam Nabi, which after his death devolved upon his sons namely Abdullah, Nadir Khan and Rahmat Ullah, which has yet to be partition and thus is joint ownership of parties to the suit, as parties to the suit are legal heirs of the three sons of Ghulam Nabi. The respondents have got no right to interfere with the suit property by way of constructing shops and houses over the precious portion of suit property or to take possession of the portion which is adjacent to the road side. Contrary to this respondents allege in their written statement that petitioners have got no concern with the suit property rather same is in possession of respondents since the time of their predecessors.</p> <p>In given circumstances this court is of the humble view that the respective stance alleged by both the parties to the suit is subject to proof after recording of pro and contra evidence and furthermore, in absence of revenue record in district Orakzai, at this stage it is not possible for this court to ascertain that as who amongst the parties to the suit is real owner of the suit property. However in order to preserve the suit property from alienation or from changing</p>

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

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Case Title: Abdul Hameed vs Abdul Jabeem

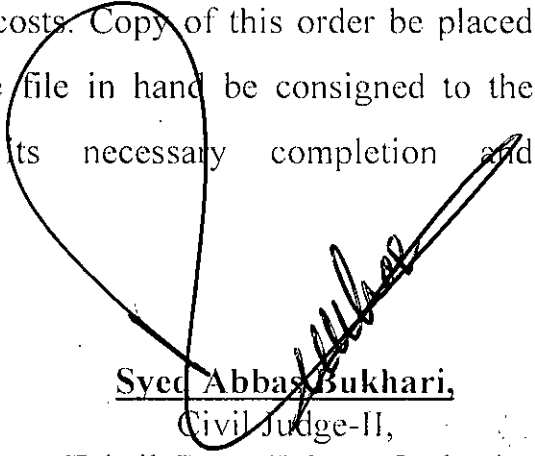
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order 18

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its nature during the pendency of instant suit, this court deem it appropriate to restrain respondents to this effect.

In light of above discussion, instant application for grant of temporary injunction filed by plaintiffs is hereby **allowed** and temporary injunction for the statutory period of six months or till disposal of instant suit, whichever comes earlier, is hereby granted in favour of plaintiffs and defendants are hereby directed to restrain from alienation of suit property through any mode of transfer or to change its nature. No order as to costs. Copy of this order be placed on main suit file while file in hand be consigned to the record room after its necessary completion and compilation.

**Announced**  
**27.04.2024**

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