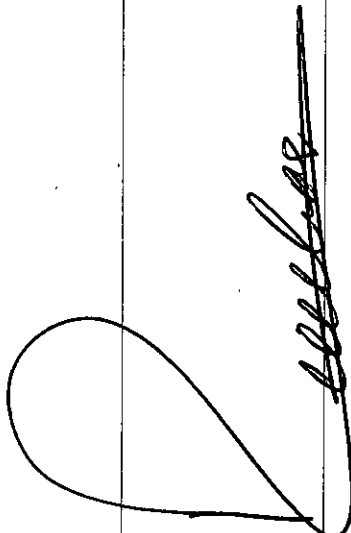


22

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 34	11.06.2024	<p>Parties present. Counsel for respondents present. Report of bailiff and SHO PS Mishti Mela submitted and placed on file.</p> <p>Vide this order I intend to dispose of instant complaint filed u/s 133 Cr.P.C.</p> <p>Arguments already heard and record perused.</p> <p>Brief facts of the case are that previously petitioners filed instant complaint against respondents, wherein they alleged that respondents have created nuisance in disputed passage by digging huge pits. However, when the respondents made their attendance before this court, they submitted their written reply wherein they leveled counter allegations upon petitioners regarding blocking of passage in question and have alleged that petitioners have blocked the passage by erecting wall and trees over the same. Furthermore, during pendency of instant complaint, on 18.12.2023 both the learned counsels for the parties stated at the bar that both the parties have blocked the disputed passage and thus instead of appointing local commission, SHO PS Mishti Mela may please be directed to visit the spot and remove the hurdles created by both the parties to instant complaint. Accordingly in light of the request of both the counsels for the parties, SHO PS Mishti Mela was directed to visit the spot and remove all the hurdles and public nuisance created by either or both the parties and thereafter submit his detailed report before this court but SHO PS Mishti Mela failed to comply with the directions of this court due to misinterpretation of this court's orders. Hence he was directed to appear in person before this court. Accordingly ASHO PS Mishti Mela appeared before this court and in presence of counsel for respondents he was directed to conduct proceedings in light of court directions and further counsel for the respondents also assisted him. Furthermore, a questioner was also submitted by counsel for respondents, which was drafted into order of this court and SHO was directed to conduct proceedings in light of the order and directions of this court.</p> <p>Today SHO PS Mishti Mela appeared in person before this court and submitted his detailed report. Perusal of the said report would reveal that SHO PS Mishti Mela has stated therein that disputed passage is public way with width of 04 feet since past being used by pedestrians and currently same is of the same width. SHO PS Mishti Mela also</p>

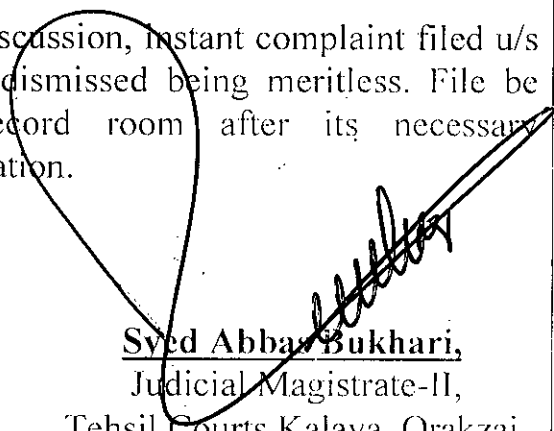


11-06-2024
SYED ABBAS BUKHARI
 Civil Judge/JM-II
 Tehsil Courts Kalaya

23

FORM "A"
FORM OF ORDER SHEET

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

<p>Contd. Order 34</p>	<p>11.06.2024</p>	<p>recorded statements of inhabitants of locality. From the statements of inhabitants of locality, it is proved that the actual and original width of the disputed passage was four feet since the time immemorial and currently same is in its original position i.e. 4 feet wide. Furthermore, it is also evident from the report as well as statements of locals would reveal that the disputed passage is a public way used by pedestrians since long and is currently open for use of pedestrians. Furthermore, as per site plan annexed with the report by SHO, a separate route for vehicles exist two the houses of both the parties to instant complaint. Moreover report of bailiff is also in support of report submitted by SHO.</p> <p>In light of the above discussion, instant complaint filed u/s 133 Cr.P.C is hereby dismissed being meritless. File be consigned to the record room after its necessary completion and compilation.</p> <p><u>Announced</u> 11.06.2024</p> <p> Syed Abbas Bukhari, Judicial Magistrate-II, Tehsil Courts Kalaya, Orakzai</p>
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