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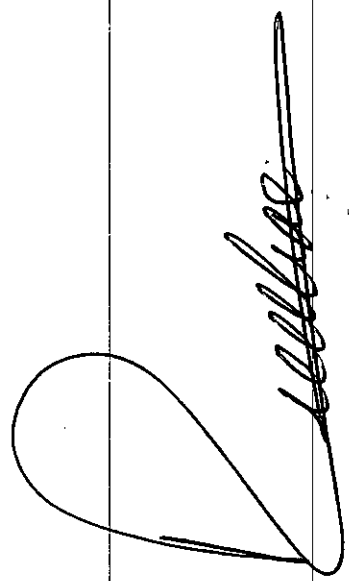
FORM "A"

FORM OF ORDER SHEET

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

Case Title: Fisa Khan Vs Muhabal Shah

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 08	19.08.2024	<p>Parties present.</p> <p>Vide this order I intend to dispose of instant for grant of temporary injunction filed by petitioner.</p> <p>Arguments 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 view that petitioner had alleged in his plaint that he is tenant of respondents through an oral agreement for a period of 12 years from 2016 to 2028. He further allege that he is regularly giving half share of produce to respondents and thus respondents have got no objection to interfere with agricultural land or residential house and further to illegally dispossess the petitioner without due course of law. Contrary to this respondents no.01 and no.02 have alleged in their written statement that petitioner had returned agricultural property to the respondents no.01 and no.02 on January 1st 2024 and had further promised to hand over the possession of residential house after Eid ul Fitar. They further allege that the agreement between parties to the suit was for a period of three years i.e. from year 2016 to year 2019 and later on upon request of petitioner said period was extended for further one year i.e. till year 2020. They further allege that after year 2020 petitioner was in illegal possession of the suit property and further he failed to give half share of the produce to respondents no.01 and no.02.</p> <p>In given circumstances, this court is of the view that the respective stance regarding actual period of tenancy and expiry of said period is subject to proof after recording of pro and contra evidence, however the relation of landlord and tenant is established from the pleadings. In given</p>



19-08-2024
 SYED ABBAS BUKHARI
 Civil Judge (Kalaya)
 Tehsil Courts (Kalaya)

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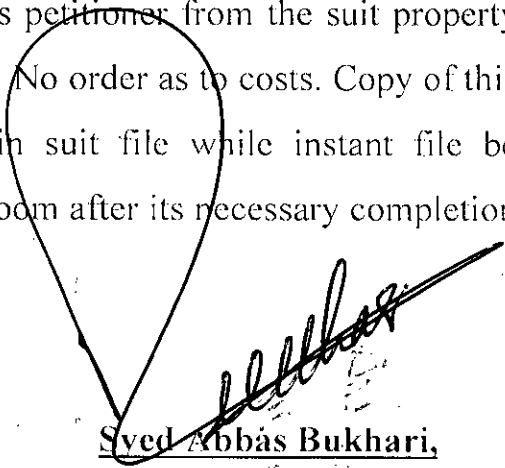
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Order 08

19.08.2024

circumstances, in absence of evidence, a prima facie case exist in favour of petitioner.

In light of above discussion, application for grant of temporary injunction 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 petitioner and respondents are hereby directed not to dispossess petitioner from the suit property except due course of law. No order as to costs. Copy of this order be placed on main suit file while instant file be consigned to the record room after its necessary completion and compilation.

Announced
19.08.2024


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