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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 |
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| Order 13 | 27.07.2024 | <p>Parties present.</p> <p>Vide this order I intend to dispose of instant application for grant of temporary injunction filed by plaintiff, hereinafter referred as the petitioner.</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 petitioner through instant suit allege that he is permanent resident of District Orakzai and being landlord of the locality, own a large area of land. He further allege that suit property is also his exclusive ownership and possession of suit property was previously handed over to respondents for the purpose of cultivation and thus respondents are tenants of petitioner. He further allege that respondents belong to district Khyber and thus they have no personal property in District Orakzai. Contrary to this respondents allege that they are residing in District Orakzai since the time of their forefathers and are owners in possession of the suit property. They further deny the Jirgas previously held between parties to the suit and claim their exclusive ownership over the suit property.</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, perusal of the documents annexed with the plaint by petitioner support the stance of petitioner at this stage, irrespective of the fact that</p> |



27-07-2024
SYED ABBAS BUKHARI
Civil Judge/JM-II
Tehsil Courts Kalaya

(a)

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Case Title: _____

صبيح الله

Vs _____

ابوبکر

| | | |
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| <p>Contind.... Order 13</p> | <p>27.07.2024</p> | <p>same are subject to proof after recording of pro and contra evidence, hence a prima facie case exist in favour of petitioner at this stage.</p> <p>In light of above discussion, instant application for grant of temporary injunction filed by plaintiff 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 plaintiff and defendants are hereby directed to not to change the nature of suit property or to further alienate the same through any mode of transfer. 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.</p> <p><u>Announced</u> 27.07.2024</p> <p><u>Syed Abbas Bukhari,</u> Civil Judge-II, Tehsil Court Kalaya, Orakzai</p> |
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