

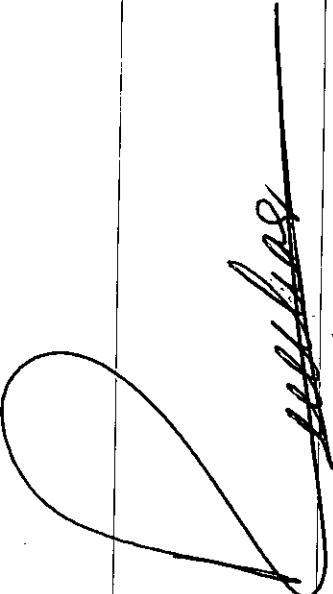
FORM "A"
FORM OF ORDER SHEET

(6)

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

Case Title: Asif Khan Vs Fazal Rafique

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	13.08.2024	<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 they are owners in possession of suit property since the time of their predecessors and thus respondents have got no right to interfere with the suit property or to claim their ownership over the same or change its nature or to cut the trees erected over the same. Contrary to this respondents allege that suit property is their sole ownership and they are in possession of the same. Furthermore, petitioner no.04 namely Fayaz Khan previously cut the trees erected over the suit property and in this respect FIR dated: 31.03.2024 was also lodged against him at PS Mishti Mela.</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. Furthermore, as for as registration of FIR against petitioner no.04 is concerned, no copy of said FIR has been annexed with the written statement by respondents. However in order to preserve the suit property from alienation or from changing its nature during the pendency of instant suit, this court deem it</p>



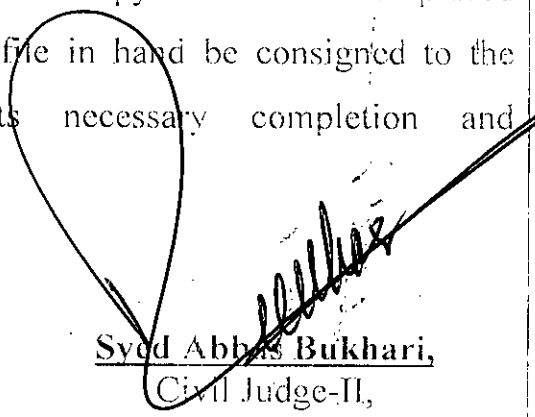
13.08.2024
SYED ABBAS BUKHARI
Civil Judge/Judicial
Tehsil Courts Kalaya

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<p>Contind.. Order 08</p>	<p>13.08.2024</p>	<p>appropriate to restrain respondents to this effect.</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 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.</p> <p><u>Announced</u> 13.08.2024</p> <p style="text-align: right;">  <u>Syed Abbas Bukhari,</u> Civil Judge-II, Tehsil Court Kalaya, Orakzai </p>
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