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IN THE COURT OF ZAHIR KHAN CIVIL JUDGE -I/FAMILY JUDGE,  
KALAYA ORAKZAI

Case #.....2/3 of 2024.

Date of Institution.....27.08.2024.

Date of Decision.....26.09.2024.

Mst. Raza Mina W/O Muhammad Younas D/O Sinab Khan R/O Qaum Mishti,  
Tappa Darway Khel, Tehsil Central, District Orakzai .....Plaintiff

Versus

Muhammad Younas S/O Khial Mar Khan R/O Qaum Chappar Mishti, Gaz Darah,  
Tehsil Central Orakzai .....Defendant

SUIT FOR DISSOLUTION OF MARRIAGE ON THE BASIS OF  
CRUELTY, RECOVERY OF 01 TOLA GOLD, DOWRY ARTICLES,  
MEDICAL ALLOWANCE AND MAINTENANCE ALLOWANCE ETC

Ex-PARTE ORDER: 05  
26.09.2024

Special attorney for plaintiff along with counsel present. Defendant has already been placed and proceeded against ex-parte. Ex-parte arguments already heard and record gone through.

Through this ex-parte order, I intend to dispose of the instant suit filed by the plaintiff for dissolution of marriage on the basis of cruelty, recovery of dowry articles and maintenance allowances.

**P R A Y E R S:**

- i. *Dissolution of marriage on the ground of cruelty.*
- ii. *Recovery of 01 tola gold.*
- iii. *Recovery of maintenance allowance for plaintiff @ Rs. 15,000/- per month since January, 2019.*
- iv. *Medical allowance of Rs. 80,000/-.*
- v. *Recovery of dowry articles per list annexed with the plaint.*

ZAHIR KHAN  
Civil Judge/JM  
Kalaya Orakzai

*[Handwritten Signature]*  
26/09/2024

Brief facts of the instant suit are that plaintiff has filed the instant suit for dissolution of marriage on the basis of cruelty, recovery of dowry articles, medical allowance and recovery of maintenance allowance etc against the defendant contending that marriage of plaintiff was solemnized with defendant in the year 2018 according to Sharia Muhammadi and Rs. 5000/- was fixed to be the dower. That after the Nikah, relationship between the parties remained cordial for some time but thereafter, behavior, conduct and attitude of defendant towards the plaintiff changed and the defendant started beating and abusing her. She was physically and mentally tortured. and lastly, in January, 2019, defendant forcibly ousted plaintiff from house in her wearing clothes, snatched one tola gold and since then, she is living with her brothers.

ZAHIR KHAN  
Civil Judge/JM  
Kalaya Orakzai

Upon institution of the suit in hand, defendant was summoned, who remained absent despite service, hence, placed and proceeded ex-parte and thereafter, plaintiff was allowed to produce her ex-parte evidence.

During course of recording ex-parte evidence, Ismail Khan, brother/attorney of plaintiff appeared and deposed as PW-01. He reiterated the averments of plaint. Special power of attorney was exhibited as Ex.PW-1/1. Copy of his CNIC is Ex.PW-1/2. List of dowry articles is Ex-PW 1/3. Khan Buhadar and Asmat Khan, relatives of plaintiff appeared and deposed as PW-02 & PW-03 respectively. They fully supported the stance of plaintiff. Photocopies of their CNICs are Ex-PW-2/1 & Ex.PW-3/1.

As there is nothing in rebuttal due to ex-parte and as per customs and traditions of the erstwhile tribal area, in most of the cases, Nikah is solemnized orally, therefore, in the light of the ex-parte evidence produced

Am 10.1  
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by plaintiff, suit in hand is ex-parte decreed in favor of plaintiff against the defendant in the following terms:

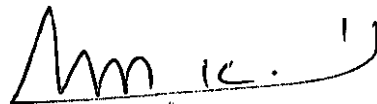
- i. *Plaintiff is held entitled for dissolution of her marriage on the basis of cruelty. Period of Iddat starts from today, as per law.*
- ii. *Plaintiff is held entitled to recovery of 01 tola gold.*
- iii. *The plaintiff is held entitled for past maintenance allowance fixed @ Rs. 15,000/- per month from January, 2019 till date.*
- iv. *The plaintiff is held entitled for dowry articles as per list Ex.PW-1/3.*
- v. *Medical allowance of Rs. 80,000/-*

No order as to costs.

**Note:** *Intimation of ex-parte decree along with attested copies be sent to defendant and Union Council concerned by issuing notice through registered post at the expenses of plaintiff.*

File be consigned to record room after the necessary completion and compilation.

**ANNOUNCED**  
26.09.2024



**Zahir Khan**  
Civil Judge-I/Family Judge,  
Kalaya, Orakzai.