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Case Title: Tajmin Ali etc. VS Mir Haider etc.

Order No. 11
11-06-2020

Plaintiffs along with their counsel present.

The ex-parte arguments of the counsel for the plaintiffs heard. Through my this single order, I intend to dispose off the instant suit ex-parte.

Brief facts of the case are that the plaintiffs filed the instant suit for declaration cum perpetual and mandatory injunction and possession against the defendants to the effect that the predecessor of the plaintiffs was the owner of the property measuring "1 ½" Jareeb, the boundaries of which are fully mentioned in the head note of the plaint.

That on 08.06.1992, their predecessor took an amount of Rs. 15000/ as a loan from the predecessor of the defendants and gave the aforesaid property as a security for the return of the loan through a deed, whereby the predecessor of the defendants was bound not to sell out the property and that he will not hand over the possession of the same to any third person. That in violation of the aforesaid agreement, the defendant No. 01 and 02 have handed over the same property to the defendant No. 03. That they are interfering in the same unduly.

That the agreement amongst the defendants is illegal and ineffective upon the rights of the plaintiffs and liable to be cancelled.

That the possession of the property be handed over to the plaintiffs and the plaintiffs are ready to pay the loan.

Continue.....


M. Khalid Wazir
Civil Judge/JM-I
Orakzai (Bahawalpur)

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The defendants were served through the process of the court but they failed to appear before the court, hence, they were placed and proceeded ex-parte.

The plaintiffs produced ex-parte evidence in the shape of PW-01, PW-02, PW-03 and PW-04, which is recorded and closed.

Thus, in the light of the ex-parte arguments, evidence and available record and as there is nothing in rebuttal, this court has got no other option, therefore, the suit of the plaintiffs is hereby decreed ex-parte subject to payment of the outstanding loan. No order as to cost.

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

Announced
11.06.2020


(Rehmat Ullah Wazir)
Civil Judge-I,
Orakzai (at Baber Mela)