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IN THE COURT OF REHMIAT ULLAH WAZIR,
CIVIL JUDGE-I ORAKZAI AT BABER MELA

Civil Suit No. 08/1 of 2020
Date of Institution: 24/01/2020
Date of Decision: 24/11/2020

1. *Bibi Syed Marjana D/O Dost Ali R/O Qoum Mamozai, Tappa Ado Khel, Wali Khel, Dago, Tehsil Upper, District Orakzai.*

(Plaintiff)

VERSUS

1. *Fazal Muhammad S/O Sher Muhammad*
2. *Muhammad Ghani S/O Gul Asghar*
3. *Salim S/O Jabbar*

All R/O Qoum Akhel, District Orakzai

(Defendants)

**SUIT FOR DECLARATION -CUM- PERPETUAL AND
MANDATORY INJUNCTION, AND POSSESSION IN THE
ALTERNATE**

JUDGEMENT:

Plaintiff Syed Marjana has brought the instant suit for declaration-cum-perpetual and mandatory injunction and possession in the alternate against defendants, seeking therein that the suit house measuring 20 Marla and field measuring 1 Jirab, the boundaries of which are mentioned in the head note of the plaint, is the ancestral property of the plaintiff and defendants have nothing to do with it. That the suit property was in her possession along with other family members before the arrival of the militants in the area but due to law and order situation the Plaintiff had to leave her house and shifted to the settled Area. That on return back to the area, the suit house/property was taken into possession by

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the defendants, which is illegal and ineffective upon the rights of the plaintiff.

That the defendants were asked to vacate the illegal possession of the property and hand over the same to the plaintiff and admit the claim of the plaintiff, but they refused, hence, the present suit.

Defendants were summoned, who appeared before the court and contested the suit by filing their written statement, wherein they raised some factual and legal objections.

Divergent pleadings of the parties were reduced into the following issues;

Issues:

1. Whether the plaintiff has got a cause of action?
2. Whether the plaintiff is estopped to sue?
3. Whether the suit of the plaintiff is time barred?
4. Whether the suit house measuring 20 Marla is the ownership of the plaintiff and was in her possession along with other family members before the arrival of the militants in the area?
5. Whether the suit house is taken into possession by the defendants which is illegal and ineffective upon the rights of the plaintiff?
6. Whether the suit house is the ownership of the defendants while the plaintiff was residing in it as a tenant?
7. Whether the plaintiff is entitled to the decree as prayed for?
8. Relief.

Parties were given an opportunity to produce evidence but the plaintiff failed to produce the same, Firstly

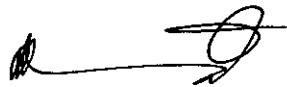
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on 26.09.2020 and she was given an adjournment on the same date Vide Order No. 16. She again failed to produce her evidence on next date and on this date, she was given adjournment with notice U/O 17 R 03 CPC Vide Order No. 17, Dated: 10.10.2020. Once again, she failed to produce evidence and Vide Order No. 19 Dated: 17.11.2020 and proceedings were adjourned with repeated notice U/O 17 R 03 CPC with cost of Rs. 50/- imposed upon her. But despite the aforesaid repeated notices U/O 17 R 03 CPC and cost, she once again failed to produce her evidence for the adjourned date of today i.e 24.11.2020, therefore, her right of evidence was struck off/closed U/O 17 R 03 CPC with further cost of Rs. 1000/- imposed upon the plaintiff and the judgment is forthwith announced and the suit of the plaintiff is hereby dismissed as neither any piece of evidence is available in support of the plaint nor any admission has been made by the defendants in their written statement. There are total denials of the claims of the plaintiff in the written statement. That is why there is no need to give issue-wise findings on the suit controversy. No order as to costs.

File be consigned to the Record Room after its completion and compilation.

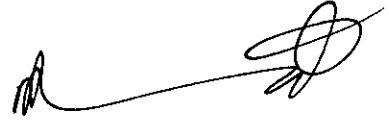
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(Rehmat Ullah Wazir)
Civil Judge, Wazir
Orakzai, Baber, Mela.

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CERTIFICATE

Certified that this judgment of mine consists of 04 pages, each has been checked, corrected where necessary and signed by me.



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