

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

Civil Suit No. 109/1 of 2020
 Date of Institution: 21/09/2020
 Date of Decision: 15/12/2020

1. *Said Amin*
2. *Fazal Amin*

*Both Sons of Abdul Matin R/O Qoum Mishti, Tappa Haider Khel,
 Mishti Bazar, Tehsil Central, District Orakzai.*

(Plaintiffs)

VERSUS

1. *Abdul Qayum S/O Mir Ahmad Khans*
2. *Mehmood S/O Abdul Qayum*

*Both R/O Qoum Mishti, Tappa Haider Khel, Mishti Bazar, Tehsil
 Central, District Orakzai.*

(Defendants)

**SUIT FOR DECLARATION-CUM- PERPETUAL AND
 MANDATORY INJUNCTION AND POSSESSION**

JUDGEMENT:

Plaintiffs Said Amin and Fazal Amin have brought the instant suit for declaration-cum-permanent injunction and possession against defendants, seeking therein that the suit plot measuring 09/10 Marla, which is shown on point "A" in the site plan annexed with the plaint, the boundaries of which are mentioned in the plaint, after family partition through jirga was handed over to the plaintiffs and the defendants were given plot at point "C" but the defendants have forcibly constructed the boundary wall of their house at point "D", whereby they took forcible possession of some part of the

Rehmat Ullah Wazir
 Civil Judge/Jud-1
 Orakzai at (Baber Mela)

plot of the plaintiffs. That the defendants were asked not to do construction over the share of the plaintiffs and demolish the wall built upon it, but they refused, hence, the present suit.

Defendants were summoned, who failed to appear before the court, hence, placed and proceeded **Ex-Parte**.

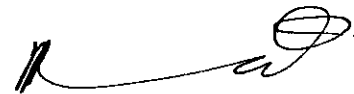
Plaintiffs produced ex-parte evidence. During the ex-parte evidence Mr. Said Amin, the plaintiff no. 01 for himself and as a special attorney for the other plaintiff namely Fazal Amin appeared as PW-01, who produced the site plan and his special power of attorney, which are Ex.PW-1/1 and Ex.PW-1/2 respectively and supported the plaint by narrating the same story as in the plaint. Further, Kalrab s/o Azram Khan, a Jirga member appeared as PW-02, who produced the copy of his CNIC as Ex.PW-02/1 and narrated the same story as in the plaint. Further, Said Razaq s/o Sher Asghar, a Jirga member appeared as Ex.PW-03, who produced the copy of his CNIC as Ex.PW-03/1 and supported the stance of the plaintiffs by narrating the same story as in the plaint. Muhammad Rehan s/o Muhammad Amin, a witness of the partition appeared as PW-04, who produced the copy of his CNIC as Ex.PW-04/1 and narrated the same story as in the plaint.

I have heard ex-parte arguments of the learned counsel for the plaintiffs and have perused the record.

After hearing of ex-parte arguments and perusal of the record, I am of the opinion that the plaintiffs established their case through cogent and reliable evidence and as there is nothing in the rebuttal, this court is left with no other option, therefore, the suit of the plaintiffs is hereby preliminarily ex-parte decreed as prayed for. No order as to costs.

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

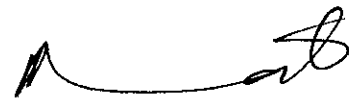
Announced
15.12.2020



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

CERTIFICATE

Certified that this judgment of mine consists of 03 pages, each has been checked, corrected where necessary and signed by me.



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