

IN THE COURT OF MUHAMMAD JUNAID ALAM,
CIVIL JUDGE - II, KALAYA ORAKZAI

Suit No.....19/1 of 2024.

Date of Institution.....13.05.2024.

Date of Decision.....28.10.2024.

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1. Mst. Bibi Ome Farwa wife of Syed Aqiq Hussain
2. Syed Aqiq Hussain son of Syed Ali Nabi
3. Syed Shah Saeed
4. Syed Mushahid Hussain and
5. Syed Miran sons Syed Aqiq Hussain, all residents of Qaum Ali Khel, Tehsil & District Orakzai, presently Ain Posh, Tarra Mela, Orakzai.

.....(Plaintiffs)

VERSUS

1. Syed Ghaseeb Hussain,
2. Syed Izhar Hussain,
3. Syed Mehdi Hussain,
4. Syed Afzal Jan,
5. Syed Muhammad Issa,
6. Syed Shamim Hussain, all residents of Qaum Ali Khel, Tehsil & District Orakzai, presently Kachai, village Tora Ori, Tehsil & District Kohat.


.....(Defendants)

SUIT FOR DECLARATION CUM PERMANENT INJUNCTION AND POSSESSION.

ORDER/JUDGMENT

28.10.2024

Plaintiff no. 01 & 02 in person and attorney for rest of the plaintiffs present. Defendant no. 03 in person and as attorney for defendant no. 01, 02, 05 & 06 present. Parties apprised the court that matter has been patched up between the parties through a jirga outside the court and requested for disposal of the suit on the basis of compromise accordingly.


MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
Orakzai at Kalaya

Joint statement of plaintiff no. 01 & 02 separately recorded which is duly thumb impressed by them. Copy of compromise deed is Ex. PA. Copies of CNICs of plaintiff no. 01 & 02 are Ex. PB and Ex. PC respectively. Original compromise deed seen and returned after examination.

Brief facts of the case in hand are that plaintiffs have filed the instant suit against the defendants for declaration cum permanent injunction to the effect that suit property measuring 29 fields, fully detailed in the head note of the plaint, is the ancestral and sole ownership of plaintiff no. 01, being daughter of late Syed Zawar Hussain. That parents of plaintiff no. 01 has died. That the suit property was previously partitioned between Syed Zawar Hussain, the father of plaintiff no. 01 and his brother namely Syed Ali Nabi, the father of defendants. After partition of said property, the plaintiff no. 01 namely Bibi Ome Farwa is the sole heir to the legacy of late Syed Zawar Hussain and defendants have no concern with the suit property which has illegally and forcibly been occupied by defendants. Defendants were asked time and again to admit the legal claims of plaintiffs but in vain, hence, the present suit.


MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
Orakzai at Kalaya


Under the due process of law and procedure defendants were summoned. Defendants no. 03 in person and as attorney for defendants no. 02, 05 & 06 appeared before the court, however, defendants No. 04 remained absent, therefore, placed and proceeded against ex-parte vide order dated 12.08.2024. While, defendant No. 1 submitted cognovit in favor of plaintiffs.

Today, parties stated at the bar that the matter has been patched up between them outside the court through a compromise deed. Joint statement of plaintiff no. 01 & 02 recorded wherein they reiterated that they have affected compromise as per terms and conditions duly mentioned in the compromise deed. Joint statement of plaintiff no. 01 & 02 was separately recorded which is duly thumb impressed by them. Original compromise deed produced and returned after examination. Copy of compromise deed is Ex. PA. Copies of CNICs of plaintiff no. 01 & 02 are Ex. PB and Ex. PC.

As the matter has been patched up between plaintiffs and defendants through compromise, as per terms and conditions duly mentioned in the compromise deed as Ex-PA and parties are at consent with each other, therefore, suit in hand is hereby decreed on the basis of compromise between the parties accordingly. Suit of plaintiffs is ex-parte decreed against defendant No. 04 as per compromise as well. No order as to cost.

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

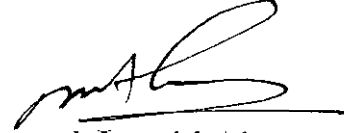
Announced
28.10.2024


Muhammad Junaid Alam,
Civil Judge-II
Tehsil Courts, Kalaya, Orakzai

C E R T I F I C A T E

Certified that this judgment of mine consist upon four (04) pages. Each page has been read over, checked and signed after making necessary correction therein.

Dated: 28.10.2024



Muhammad Junaid Alam,

Civil Judge-II

Tehsil Courts, Kalaya, Orakzai