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

Civil Suit No. 83/1 of 2023
Date of Original Institution: 25.10.2023
Date of Decision: 12.05.2025

1. SYED SHAMS ABBAS AND 14 OTHERS, ALL
RESIDENTS OF QOM MANI KHEL, VILLAGE QALAT,
LOWER, DISTRICT ORAKZAI.

(PLAINTIFFS)

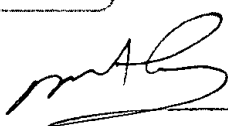
VERSUS

1. SYED ASNAD HUSSAIN AND
2. SYED TADEER ABBAS, BOTH SONS OF SYED
MUHAMMAD ASGHAR, RESIDENTS OF QOM MANI
KHEL, VILLAGE QALAT, TEHSIL LOWER DISTRICT
ORAKZAI.

(DEFENDANTS)

**SUIT FOR DECLARATION CUM PERPETUAL
INJUNCTION AND RECOVERY OF RS. 1,473,900/-**

Ex-Parte Judgment/Order:
12.05.2025


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

Vide this ex-parte order the Court intends to
dispose of suit in hand filed by plaintiffs against
defendants.

Brief facts of the case gathered from the plaint
are that plaintiffs have filed the instant suit for declaration
cum perpetual injunction to the effect that plaintiffs are
bonafide residents of village Qalat, Lower Orakzai. That
plaintiff no. 01 to 11 are legal heirs, owners and
shareholders in the suit property of the legacy of one late
Meer Shah Talib and Meer Qasim. Similarly, plaintiff no.

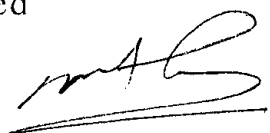
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12 to 15 are owners of the suit property in the legacy of Meer Shah Talib and Jaffar Hussain. They further narrated in the plaint that a jirga was held in the year 1936 regarding the suit property, since then the plaintiffs are in possession of the same. Defendants have encroached in the suit property about 100 jeerab and have also alienated the same. Plaintiffs further stated that up till now no private or official partition have been made between the parties to the suit. Furthermore, plaintiffs erected trees over the suit property and defendants have sold the same without consent of plaintiffs and the amount of the sale is still with the defendants. Plaintiffs time and again requested defendants to admit the legal claim of plaintiffs in the joint property but they refused, hence, the present suit.

After institution of the instant suit the defendants were summoned but they did not appear before the court, hence, placed and proceeded ex-parte vide order dated 22.11.2023.

Plaintiffs were directed to produce their ex-parte evidence. Accordingly, plaintiffs produced as many as four witnesses.

Syed Ibn-e-Hussain son of Tasleem Hussain, appeared as PW-01. He produced his CNIC which is Ex. PW-1/1.


MUHAMMAD JUNAID ALA
Civil Judge / J-11
Orakzai at Kalaya

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Ashraf Hussain son of Ahmad Ali, appeared as PW-02 in the witness box. He produced his CNIC which is Ex. PW-2/1.

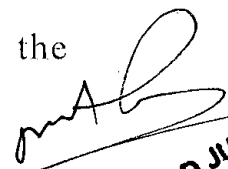
Izhar Ali son of Ali Dad Khan, appeared and deposed as PW-03. Copy of his CNIC is Ex. PW-3/1.

Syed Fazal Abbas son of Syed Muhammad Zia Gul, the plaintiff no. 02 himself, appeared and deposed as PW-04. He produced special power of attorney, copy of CNIC, family tree, scale of suit property and agreement deed which are exhibited as Ex. PW-4/1 to Ex. PW-4/5 respectively.

Thereafter, the plaintiffs closed their ex-parte evidence with a note and accordingly counsel for the plaintiffs advanced ex-parte arguments.

Upon perusal of record, evidence produced by plaintiffs the court is of the view that all the PWs deposed in light and support of the stance of plaintiffs as stated in the plaint.

On 08.04.2025, the court appointed a local commission for measurement of the suit property in the possession of the parties. The local commissioner submitted complete commission report on 27.04.2025, which was placed on file. Upon perusal of the commission report, it was revealed that the suit property consists of


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390.91 Kanals, wherein, the road comprises of 6.50 Kanal and Ziarat Syed Meer Mohsin covers 25 Marla, Ziarat Imam Raza covers of 1.25 Marla, while, Ziarat Meer Hashim has covered area of 12 Marla. A government Girls Middle School has covered area of 91 Marla and residence of the staff of said school consists of 7.75 Marla, and one CVD consists of 05 Marla.

The local commission report also supports the stance of the plaintiffs. Furthermore, due to ex-parte proceedings nothing in rebuttal or contradictory is available on the record.

In light of the above discussion, instant suit of plaintiff is hereby ex-parte preliminary decreed in favor of plaintiffs. No order as to costs.

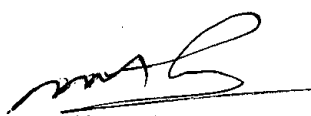
File be consigned to the District Record Room, Orakzai after its completion and compilation.

Announced
12.05.2025


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

CERTIFICATE

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


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