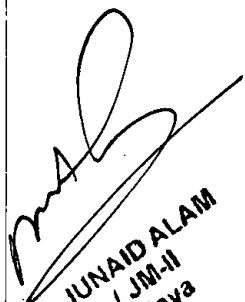


26

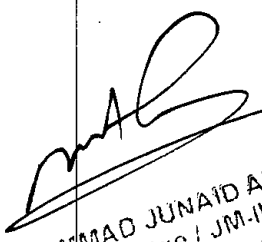
**FORM "A"**  
**FORM OF ORDER SHEET**


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

Serial No. of Order of Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or Counsel where necessary.
1	2	3
Order No. 36	26.05.2025	<p>Parties alongwith counsel present.</p> <p>Case was fixed for submission of amended written statement, however, counsel for defendants stated at the bar that he does not want to submit amended written statement, rather he relies on already submitted written statement. Reconciliation and conferencing held today.</p> <p>Perusal of the record would reveal that plaintiff filed instant suit for the right of easement in respect of suit pathway at Chamando Mela Lower Orakzai. In the plaint the plaintiff claimed that he constructed a house on his ancestral property some 20 years ago. He used the same suit pathway throughout and even brought the construction materials for the construction house. He further stated that he alongwith defendant no. 05 has been using the suit pathway for the last 20 years. The said pathway passes through the property of defendant no. 05. Defendant no. 01 to 04 have illegally and forcibly closed the pathway. Defendant no. 01 to 04 have no concern with the suit property/pathway. He further stated that there is no other access or alternative pathway leading to the plaintiff's house. Contrary to this</p>

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

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<i>Continued.... Order No. 36</i>	26.05.2025	<p>defendants stated in their written statement that neither pathway/thoroughfare ever existed in the suit property nor the same still exist. They further stated that the suit property/pathway is up till now cultivated by defendants. They further stated that another pathway does exist, leading to the house of plaintiff. Furthermore, the field/pathway leading to plaintiff's house, has been exchanged with one Sujad Ali in the year of 2021. Moreover, the alleged pathway leading to the plaintiff's house passes through the personal property of defendants.</p> <p>Upon perusal of the record it was revealed that plaintiff claiming a right of easement over the personal property of defendants situated at Chamando Mela, Orakzai. Upon examination of the pleadings of the parties and examination of the parties during the conferencing and reconciliation proceedings, it became crystal clear that the plaintiff has failed to establish continuous, uninterrupted, and peaceful use of the said pathway as required under the law to claim a prescriptive easement. Furthermore, the plaintiff has not demonstrated any legal necessity or lack of alternative access that would justify the imposition of compulsory easement. It is also</p>

  
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Continued.... Order No. 36	26.05.2025	<p>pertinent to mention here that plaintiff claimed a right of pathway but the alleged pathway passes over the personal agricultural land of defendant no. 05 Farhad Ali without his consent. It is also worth mentioning here that plaintiff has got no right to sue the pathway or has no legal claim over the defendant's property.</p> <p>It is well-settled principal of law that a suit for easement cannot be decreed unless the servient tenement is properly identified and the lawful owner agree upon on the same.</p> <p>In light of what has been discussed above, instant suit is hereby dismissed. No order as to costs. File be consigned to the record room after its necessary completion and compilation.</p> <p><u>Announced</u> 26.05.2025</p> <p style="text-align: right;">   <b>Muhammad Junaid Alam,</b>  Civil Judge-II,  Tehsil Court Kalaya, Orakzai </p>