

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
Order No.03	09.07.2025	<p>Respondent present through her brother Ismail Khan. Sana Ullah Khan Advocate present and submitted Wakalatnama on behalf of respondent. Arguments heard and record perused.</p> <p>This appeal was preferred by the judgment-debtor Muhammad Younas through Superintendent, Sub-Jail, Orakzai, against the order dated 23.04.2025 passed by the learned Civil Judge-II, Tehsil Court Kalaya, Orakzai in Execution Petition No. 1/10 of 2025.</p> <p>After hearing arguments and perusal of the record, it was found that the impugned order was made for the detention of the appellant/judgment-debtor till further orders, in execution of the ex-parte decree dated 29.04.2024 passed in Family Suit No. 2/3 of 2024. The order for arrest and detention was made under Section 55 of the Civil Procedure Code (CPC), which provides that;</p> <p><i>“Arrest and detention. – (1) A judgment-debtor may be arrested in execution of a decree at any hour and on any day, and shall, as soon as practicable, be brought before the Court, [which may make an order for his detention in prison to suffer simple imprisonment for a period not exceeding one year].”</i></p> <p>Hence, the impugned order of detention of the judgment-debtor till further order was illegal. It is, therefore, set aside. The appellant/judgment-debtor be set free forthwith, if not required in any other cause. Copy of this Order be sent to the executing Court. File of this Court be consigned to record room after its necessary completion and compilation.</p> <p><u>Announced:</u></p>

09.07.2025

(HAQ NAWAZ)

District & Sessions Judge,
Orakzai at Baber Mela