

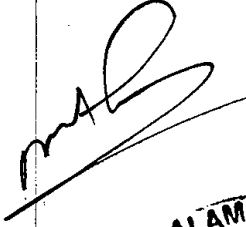
4

FORM "A"
FORM OF ORDER SHEET

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

Case Title: _____ Vs _____

| 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-03 | 14.06.2025 | <p>Complainant in person alongwith counsel and respondents in person present.</p> <p>Vide this order the Court intend to dispose of instant complaint filed under section 133 Cr.P.C.</p> <p>Arguments on behalf of complainant heard.</p> <p>Brief facts of the case are that complainant filed instant complaint against respondents, wherein they stated that that respondents have created nuisance in disputed passage/pathway by making wall and have closed the same for movement. Furthermore, respondents have blocked/obstructed the said road/thoroughfare which has caused inconvenience to the complainant party and other inhabitants of the area/co-villagers and thus it has become a public nuisance. That respondents were asked time and again to open the road/thoroughfare but in vain, hence, the present complaint.</p> <p>Complaint was filed on 13.05.2025. Statement of complainants were recorded under section 200 Cr.PC. Conditional order in the instant complaint under section 133 Cr. PC was passed and sent to the respondents for compliance in accordance with law. SHO concerned was directed to record statement of the parties, prepare site plan</p> |

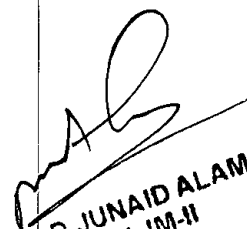

MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
Orakzai at Kalaya

5

FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI
Case Title: _____ Vs. _____

| | | |
|--------------------|------------|---|
| Contd. Order-03 | 14.06.2025 | <p>and collect relevant material and submit report on date fixed. Inquiry report was submitted by SHO concerned. The court received the said report today, the court, vide order dated: 13.05.2025 had already passed conditional order directing the respondents to remove unlawful public nuisance caused due to the blocking of passage forthwith and open the road/thoroughfare, otherwise, show cause/file objection, if any.</p> <p>As per provisions of Section 133 Cr. PC, when the respondent appears and shows cause against the order, the Magistrate shall take evidence in the matter (in the manner provided in chapter XX). If the Magistrate is satisfied that the order is not reasonable and proper, no further proceedings shall be taken in the case and if the Magistrate is not so satisfied, the order shall be made absolute.</p> <p>As stated above, respondents appeared and contended that there is no road/thoroughfare and the property in question is their ancestral ownership.</p> <p>Today SHO concerned appeared in person before this court and submitted his detailed report.</p> <p>Perusal of the said report would reveal that many jirgas have been conducted between both the parties. He further stated that FIR no. 30 dated 14.04.2025 under section 324/337 D, Naqal Mad no. 13 dated 14.04.2025 under</p> |
|--------------------|------------|---|

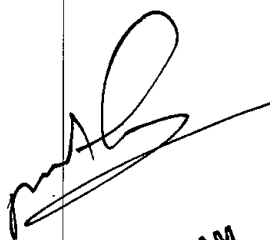

MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
Orakzai at Kalaya


6

FORM "A" FORM OF ORDER SHEET

IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI
Case Title: _____ Vs _____

| | | |
|----------------------------|-------------------|---|
| <p>Contd. Order-03</p> | <p>14.06.2025</p> | <p>section 337-A(i)/337-F(i)/337-F(ii) and mad no. 17 dated 14.04.2025 under section 337-A(i)/148/149 have been by against the parties against each other.</p> <p>SHO PS Kalaya also recorded statements of inhabitants of locality. From the statements of inhabitants of locality, it is proved that the disputed passage/thoroughfare is the public way and approaches to their houses. Furthermore, it is also evident that the said passage/thoroughfare was partially concreted by the government. Furthermore, it is also evident from the report as well as statements of locals that the disputed passage is a public way used by pedestrians since long and currently the respondents have blocked the suit passage and which is a public nuisance and has created hurdles for the pedestrians.</p> <p>It is also pertinent to mention here that the respondent party accepted before the court that they have obstructed the pathway in relation ^{retaliation} of the other pathway so, obstructed by the complainant party. The complainant party admitted that they have put some stones in the other said pathway.</p> <p>In light of the above discussion, instant complaint filed under section 133 Cr.P.C is hereby accepted and respondents are hereby directed to remove the nuisance in disputed suit passage/thoroughfare and clear all the hindrance, and raise to the ground the disputed wall</p> |
|----------------------------|-------------------|---|


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


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

7

FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI
Case Title: _____ Vs _____

constructed in the pathway.

Furthermore, Bailiff alongwith SHO is directed to demolish the constructed wall at the cost of respondents.

Moreover, the court holds that everyone has the right to pass through the disputed pathway, as it is a public thoroughfare while the complainant party is also directed to remove the stones from the other pathway. No order as to costs. File be consigned to the record room after its necessary completion and compilation.

Announced

14.06.2025



Muhammad Junaid Alam,
Judicial Magistrate-II,
Tehsil Courts Kalaya, Orakzai