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COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Case Title: Noormat Khan etc VS Noorab Khan etc

| Serial No of order or proceeding s | Date of Order Proceedings | Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary |
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| Order No. 11 | 29.05.2025 | <p>Petitioner No. 01 along with counsel present.</p> <p>Respondent No. 04 in person and as special attorney for respondent No. 01, 03, 05 and 06 along with counsel present.</p> <p>This order is to decide an application for interim injunction filed by Mr. Noor Mat Khan, the plaintiff, against Mr. Nawab Khan and others, the defendants. The latter has already filed their written reply.</p> <p><u>Brief Account:</u></p> <p>This suit is for declaration of title and corresponding injunction over suit property detailed in the plaint. The plaintiffs claim that it was purchased by their predecessor from Mr. Muhammad Khan in the year 1990-91 and it has been in their use and possession since. They allege that defendants have recently begun illegal interference with suit property, and are attempting to forcibly appropriate it. It is asserted that plaintiffs have been exercising possession over suit land through a tenant namely, Syed Lal Shah.</p> <p>Defendants in addition to the regular objections to the legal validity of the suit have denied the factual stance of the plaintiffs. They claim that the land is their ancestral</p> |

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| Order No. 11 continued | 29.05.2025 | <p>property and has been in their continuous possession since ages.</p> <p>Arguments heard and record perused.</p> <p><u>Reasons:</u></p> <p>It is pertinent to begin with the observation that the district is yet to conduct its first land settlement. Consequently, it lacks revenue records and land surveys. The tribal mode of ownership through possession is largely in vogue, with very little traces of title documented with public authorities.</p> <p>In these circumstances, the facts of the matter, and the merits of the claim or defense, could only be assessed from the pleadings of the parties, and the record annexed thereto.</p> <p>Other than self-supporting claims of the plaintiffs, the only piece of particularized information supplied is the name of an alleged tenant, and copy of a purported DRC proceedings. On the other hand, defendants have annexed photographs showing them tilling the land manually.</p> <p>In these circumstances, the court is inclined to balance the merits out by ordering maintenance of status quo for 06 months in the terms that cultivation or harvesting shall be done only with the leave and knowledge of the court. Violations shall be met with strict punitive action.</p> |
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IJAZ MAHSOOD
Senior Civil Judge, JM
Orakzai at Baber Mela

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Bailiff of the court shall visit the site, prepare a report on the status of land, its nature etc. and report to the court within 10 days.

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

Announced
29.05.2025


Ijaz Mahsood
Senior Civil Judge,
Orakzai (at Baber Mela)