

IN THE COURT OF IJAZ MAHSOOD,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No.	36/1 of 2025
Date of Institution:	23.05.2025
Date of Decision:	30.06.2025

Khursheed Alam Advocate member of Orakzai Bar council
..... (Plaintiff)

VERSUS

Fazal Amin S/O Said Amin R/O Qoum Aka Khel, Tehsil Bara, District Khyber.
..... (Defendant)

SUIT FOR RECOVERY OF RS.40,000/-

JUDGEMENT:
30.06.2025

This order is to decide instant suit filed by Mr. Khursheed Alam, the plaintiff, for recovery of Rs. 40,000/-of fee of suit No. 50 dated: 05.09.2024, u/s 9D CNSA, PS Kurez Boya against Mr. Fazal Amin s/o Said Amin, the defendant.

Pleadings:

The matter as recounted in the plaint reads that plaintiff has filed the instant suit against the defendant for recovery of Rs.40,000/- alleging that he was a counsel for defendant in case FIR No. 50, dated: 05.09.2024, u/s 9-D CNSA, PS Kurez Boy. The defendant promised to pay the fee on behalf of Muhammad Khan who was co-accused with the defendant in the said case. The defendant paid Rs. 30,000 to the

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30 JUN 2025
[Signature]

plaintiff but later on, defendant refused to pay the remaining amount i.e Rs.40,000/- to the plaintiff, hence the present suit.'

The defendant was summoned who did not appear before the court. Resultantly, he was placed and proceeded against ex-parte vide order dated: 29.05.2025. Thereafter; plaintiff was allowed to produce his ex-parte evidence. List of witnesses was submitted accordingly.

Witnesses/Exhibits:

- i. Mr. Khursheed Alam, plaintiff himself took the stand as PW-01 and Mr. Inam Ullah, took the stand as PW-02. They have exhibited the following documents;
- ii. Oath statement of Fazal Amin as Ex.PW-1/1.

Thereafter, evidence of plaintiff was closed and ex-parte arguments heard.

Reasoning:

The matter was tried ex-parte. There is nothing in rebuttal of the claim or refutation of the evidence.

The law recommends that the standard of balance of probabilities or preponderance of evidence be adopted while adjudicating on civil matters.

The plaintiff and his witnesses have consistently upheld the claim in their statements as witnesses. Although, the

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guarantee deed, allegedly written between the sides, is not attested by any marginal witnesses, yet the transaction is indicated by the attested copies of judicial records. In these records, the plaintiff is shown as counsel for the defendants.

Adhering to the principle of preponderance of evidence, and in absence of any patent irregularity, the matter is decreed for the plaintiff as prayed.

Plaintiff shall deposit the court fees due on the suit within 30 days.

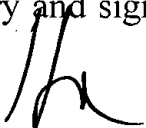
Case file be consigned to the record room after its necessary completion and compilation.

Announced
30.06.2025


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

CERTIFICATE

Certified that this judgment of mine consists of three (03) pages, each has been checked, corrected where necessary and signed by me.


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