

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

Suit No. : 2/FC of 2025.
Date of Institution : 28.06.2025.
Date of Decision : 07.08.2025.

Bibi Ainin W/O Syed Ibne Abbas R/O, Qoum Bar Muhammad Khel,
Tappa Abdul Aziz Khel, Village Panzari Tehsil Lower, District
Orakzai

.....(Plain
tiff)

VERSUS

Syed Ibne Abbas S/O Syed Meer Shah Gul, R/O Qoum Bar
Muhammad Khel, Tappa Abdul Aziz Khel, Village Panzari, Tehsil
Lower District
Orakzai.....(Defen
dant)

Mr. Taza Khan Advocate for plaintiff


Ex-Parte Order
07.08.2025

Plaintiff along with counsel present. Ex-parte evidence recorded
as PW-01 to PW-04 & closed. Arguments heard and record perused.

Plaintiff namely Mst: Ainin Bibi has invoked the jurisdiction of
this Court against the defendant namely Syed Ibne Abbas praying for:

P R A Y E R S:

- i. *Dissolution of marriage on the ground of cruelty; if cruelty
not proved then on the basis of khula.*
- ii. *Recovery of maintenance for plaintiff @ Rs. 15,000/- per
month from 15/12/2023 till the disposal of case and onward
till addat.*


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- iii. *Recovery of pocket allowance @ Rs. 10,000/- per month from 26.10.2018, the day of her Rukhsati to the matrimonial home.*
- iv. *Recovery of comity (kasht) Installment amount 5000/- per month since 12/10/2023, total of that amount became 5,70,000/- paid by the brother of the plaintiff with the remaining installment amount of 20 months which will be paid by the brother of the plaintiff.*

F A C T S:

Brief facts of the instant suit are that plaintiff filed the instant suit for dissolution of marriage on the ground of cruelty, recovery of maintenance for plaintiff @ Rs.15,000/- per month from 15.12.2023 till disposal of case and onward till iddat, recovery of pocket allowance @ Rs.10,000/- per month from 26.10.2018, the day of her Rukhsati to the matrimonial home and recovery of comity (kasht) Installment amount 5000/- per month since 12/10/2023, the total of that amount has become 5,70,000/- paid by the brother of the plaintiff and the remaining installment amount of 20 months which will also be paid by the brother of the plaintiff. That efforts for reconciliation on behalf of plaintiff was made but in vain, hence the present suit.

Upon institution of the suit in hand, defendant was summoned, who remained absent despite service through whatsapp number # +966593356706, hence, placed and proceeded against ex-parte and thereafter, plaintiff was allowed to produce her ex-parte evidence.


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After submission of list of witnesses, plaintiff produced four witnesses in support of her claim.

Plaintiff herself appeared and recorded her statement as PW-01. She reiterated the averments of plaint. She stated that she was engaged to Syed Ibne Abbas on 08.08.2016 under the social custom of Ghag. Memorandum of engagement/Ghag is Ex.PW-1/1. And the plaintiff was married to defendant on 26.10.2018. Even under the said Ghag she lived pleasantly with defendant. They have no kids. Later on, the behavior and conduct of the defendant become non-cordial and started beating her for little or no reason. Even the defendant accused her for theft. Resultantly, she lodged complaint against defendant in police station which is Ex.PW-1/2. After that, on 30.01.2025 Jirga members decided that defendant will divorce the plaintiff within 06 months but defendant flatly refused to divorce the plaintiff after the expiry of said period. Jirga decision is Ex.PW-1/3. On 15.12.2023 the defendant after severely beating the plaintiff kicked out her from his house. Plaintiff took shelter in her brother's house namely Syed Jabeen Hussain. Where is she is presently residing. She further stated that brother of plaintiff pays the monthly installment of amount 5000/- per month for the defendant, which has become a total of Rs.5,70,000/- and the remaining installment amount of ten lacs ten thousand 1,010,000/- comprising of 20 months will


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also be paid by the brother of plaintiff which is also recoverable from defendant but the defendant refused to pay the same. The installment has already taken by the defendant and now he has refused to pay the installment amount. List of Dowry articles which are in the possession of defendant is Ex.PW-1/4. Copy of her CNIC is Ex.PW-1/5. Installment receipt is Ex.PW-1/6. She lastly requested for decree of suit in her favour against the defendant as prayed for.

Syed Jabeen Hussain brother of plaintiff appeared and recorded his statements as PW-02. He stated that he is the brother of plaintiff. Father of plaintiff has died and plaintiff is presently residing with him. Engagement of plaintiff with defendant took place on 08.08.2016 during ghag. Plaintiff was married to defendant on 26.10.2018. Beside ghag plaintiff was pleasantly residing with defendant and they have no kids. He stated that plaintiff lodged complaint against defendant in concerned police station. Later on, Jirga members decided that defendant will divorce the plaintiff within 06 months but defendant flatly refused to divorce her. On 15.12.2023 the defendant after severely beating the plaintiff, kicked out her from his house. He further stated that he pays the monthly installment of amount 5000/- per month for the defendant, which has become a total of Rs.5,70,000/- and the remaining installment amount of ten lacs ten thousand 1,010,000/- of 20


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months will also be paid by him which are also recoverable from defendant but the defendant has refused to pay the same. The installment has already been taken by the defendant and now he has refused to pay the installment amount. Dowry articles list has already been exhibited as Ex.PW-1/4 which is in the possession of defendant. Copy of his CNIC is Ex.PW-2/1.

Najmul Hassan (Jirga Member) appeared and deposed as PW- PW-03. He stated that Jirga between the parties was held on 30.01.2025. Jirga member decided that defendant will divorce the plaintiff within 06 months but he flatly refused to divorce her. Copy of his CNIC is Ex.PW-3/1.

Fariz Ali maternal uncle of plaintiff appeared and deposed as PW-04. He stated that engagement of plaintiff and defendant was held on 08.08.2016 and plaintiff was married to defendant during the ghag on 26.10.2018. Despite ghag the plaintiff pleasantly resided with defendant but later on behavior and conduct of defendant changed and he started beating the plaintiff. Even defendant accused her for theft. Resultantly, plaintiff lodged compliant against defendant in the concerned police station. Later on, Jirga members decided that defendant will divorce the plaintiff within 06 months but he flatly refused to divorce her. Defendant kicked out the plaintiff from his house and she took shelter in the house of his brother.


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Defendant never gave any subsistence allowance to plaintiff through which she could fulfil her requirements. He further stated that brother of plaintiff pays the monthly installment of amount 5000/- per month for the defendant, which has become a total of Rs.5,70,000/- and the remaining installment amount of ten lacs ten thousand 1,010,000/- comprising of 20 months will also be paid by the brother of plaintiff which are also recoverable from defendant but the defendant refused to pay the same. The installment has already been taken by the defendant and now he has refused to pay the installment amount. Copy of his CNIC is Ex.PW-4/1. He lastly requested to decree the suit in her favour against the defendant.

Thereafter, plaintiff closed its evidence.

It is discernible from the available record that plaintiff cannot live within the wedlock under the limits prescribed by Almighty Allah and there is no possibility of happy reunion of couple in the prevailing circumstances, therefore, suit of plaintiff is hereby ex-parte decreed in her favor as prayed for and as a result thereof, marriage and Nikkah of the plaintiff with defendant is hereby dissolved with immediate effect. Her idat period starts from today as per law. She is held entitled to receive Rs. 15,000/- per month from 15/12/2023 till disposal of case and onward till iddat, recovery of pocket allowance Rs.10,000/- per month from 26.10.2018, the day of her


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Rukhsati to the matrimonial home and recovery of installment amount 5000/- per month since 12/10/2023, the total of which amount has become 5,70,000/- being paid by the brother of plaintiff with remaining installment amount of 20 months which will be paid by the brother of the plaintiff.

Note: Intimation of ex-parte decree along with attested copies be sent to defendant and Union Council concerned by issuing notice through registered post at the expenses of plaintiff.

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

Announced
07.08.2025



(Muhammad Junaid Alam)
CJ /Family Judge-II, Kalaya, Orakzai