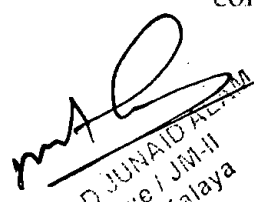


Order No.14
09.08.2025

Petitioner through son namely Musawir Ali present. Respondent in person present. Today, the case was fixed for submission of report of bailiff regarding violation of the court order in the suit property and arguments. Report of bailiff received, which is placed on file. Both the parties were heard.

Brief facts as per contents of petition in hand are that plaintiff filed a declaratory suit with permanent injunction against the defendants and ad-interim injunction was granted in favor of plaintiff. Wherein, plaintiffs and defendants were restrained from interfering in each other possession over the disputed land until the final disposal of the suit. Through the instant petition the plaintiff alleged that the present respondent violated the court's directive by interfering in the petitioner's possession, as he has illegally placed construction material i.e. crush and blocks in the suit property.


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

That petitioner filed COC on 20.08.2024 against the said incident. Court directed bailiff to go to the spot and inquire about violation of court orders and submit his report before the court.

Parties were heard today. Respondent stated before the court that he has no concern with the material i.e. blocks and crush lying in the suit property even if the court confiscates the material (blocks and crush) he will have no objection. Bailiff report received, wherein it is not mentioned that material belong to which party. Furthermore, it is not clear that whether

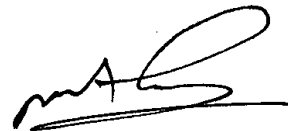
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material lying in the suit property is laid down before the stay order or after stay order. Therefore, violation of the same is out of question, resultantly, petition in hand is dismissed. Both the parties denied the ownership of said construction material, therefore, court orders the bailiff to go to the suit property and confiscate the material i.e. blocks and crush to the State and take into custody the said material by affixing the court order in the suit property. Furthermore, the instant petition filed by respondent who is actually petitioner and on the other hand respondent Afroz Ali mentioned in the head note of COC as petitioner who is actually respondent, which shows carelessness and negligence of the applicant. Therefore, son of petitioner namely Musawir Ali is strictly warned not to file such frivolous petitions before the court. Instant petition dismissed.

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

ANNOUNCED

09.08.2025



Muhammad Junaid Alam
Civil Judge-II Tehsil Court
Kalaya Orakzai.