


Order No.05
23.09.2025

Parties along with counsel present. Arguments on application for grant of temporary injunction heard and record perused.

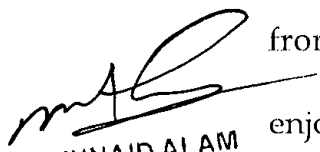
Brief facts of the case are that plaintiff namely Khitab Khan had purchased the agricultural land bounded by North land of Abdur Rahim, South land of Nakhun, West land Nadeem and East land of Habib Rehman through sale deed dated: 22.05.1992 from defendant No.2 after receiving the sale consideration of Rs. one lac, the possession and ownership of the same was delivered to the plaintiff and started cultivation on it. Since then the plaintiff enjoyed the ownership without any interference and also constructed a house on the portion of suit land. But now defendant No.1 is denying the ownership of plaintiff. The defendant No.1 also flocked the tractor on the cultivated crops unlawfully. In this regard plaintiff filed written complaint on 29.07.202 before SHO Kalaya to restrain defendant No.1 from interference in the subject land. In the meanwhile, defendants were asked time and again to admit the legal rights and claims of plaintiff but in vain, hence, the present suit.

Defendants contested the suit by submitting written statement and replication. In the written statement, defendants have raised certain legal and factual objections. They have denied the claim of plaintiff contending that plaintiff is not owner in possession while the defendant No.1 is the owner and occupier of the suit land and lastly requested for dismissal of application.


MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
Orakzai Kalaya

It is established principle of law that all three ingredients i.e. **Prima facie case, Balance of convenience and Irreparable loss and injury must co-exist.**

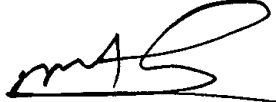
1. The learned counsels for both sides heard and the available record examined. The admitted position emerging from the pleadings is that both the plaintiff and the defendants are claiming in possession of their respective portions of the property. The central question before this Court, at this stage, is whether interim relief is necessary to preserve the subject matter and to avoid multiplicity of disputes during pendency of the main suit.
2. Applying these principles to the case in hand, it is evident that a prima facie case exists on both sides, since both parties are claiming possession of their respective shares. The balance of convenience clearly lies in maintaining the present situation so that no party suffers undue hardship. Furthermore, if either party is permitted to raise new construction or cause destruction, the nature of the property may be materially altered, resulting in irreparable loss which cannot be adequately compensated in terms of money.
3. In these circumstances, the court is of the considered view that the rights of both parties can be safeguarded by restraining them from interfering in the possession of the other and by further restraining both from raising any construction or causing any destruction at the spot and enjoy their existing own possession until final adjudication of the case.
4. Consequently, the stay application stands **accepted**. Both parties are hereby restrained from interference in each other's possession, as well


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as from raising any construction or causing destruction at the suit property. Furthermore, both the parties may freshly enjoy their own possession. This order shall remain operative for a period of **six months** or till disposal of the case, whichever occurs earlier. No order as to cost. This order is tentative in nature and shall not affect the merits of the case.

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

Announced
23.09.2025


Muhammad Junaid Alam,
Civil Judge -II,
Tehsil Courts, Kalaya, Orakzai