

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

Civil Suit No.	23/1 of 2025
Date of Institution:	21.03.2025
Date of Decision:	25.09.2025

1. Noormat Khan s/o Hazrat Khan
 2. Ashraf Khan s/o Hazrat Khan
- Both R/O Qoum Ali Khel, Tappa Sher Khel, Village Zokhtan, Tehsil Upper, District Orakzai***
- (Plaintiffs)

VERSUS

1. Noorab Khan s/o Meer Alam
 2. Adam Khan s/o Meer Alam
 3. Zoljanan s/o Meer Alam
 4. Muhammad Iqbal s/o Momin Khan
 5. Amjad Khan s/o Momin Khan
 6. Shakeel Khan s/o Momin Khan
- All R/O Qoum Ali Khel, Tappa Sher Khel, Village Zokhtan, Tehsil Upper, District Orakzai***
- (Defendants)

**SUIT FOR DECLARATION OF TITLE AND
CORRESPONDING INJUNCTIONS**

JUDGEMENT:

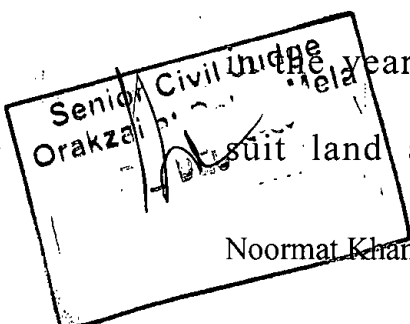
25.09.2025

This order is to decide instant suit by Mr. Noor mat Khan and one other, the plaintiffs, for declaration of title and corresponding injunction, against Mr. Noorab Khan, and 05 others, the defendants.

Pleadings:

The claim as recounted in the plaint reads that predecessor in interest of the plaintiff, their late father purchased suit land from now deceased Mr. Muhammad Khan

in the year 1990-91. They have been occupying and disposing suit land as owners in possession since its purchase. They



contend that defendants have no right to claim title or interfere with possession of suit land.

Defendants deny the veracity of the claim and validity of the suit. They contend that their forefather or they never sold suit land to anyone including the plaintiffs. They assert that plaintiffs have no right to claim title to the land or entitlement to its possession. That defendants are farmers and they regularly cultivate suit land. They deny the assertions in the plaint that plaintiffs purchase suit land, or that they possess it.

Reasons:

Before the court to proceed to framing of issues, the parties appeared before the court to convey the incidence of amicable resolution of the dispute.

Their joint statement was recorded wherein the attorney for defendant specifically withdrew from the contest, and requested the court to decree the matter for the plaintiff, if it so pleases.

Thereafter, the court invited plaintiffs' counsel to assist on the form and nature of decree in the matter. After hearing valuable arguments of the counsel, the court is inclined to observe and rule as follows:

It is pertinent to underscore that declaration of a right is sought and granted against a fully matured and pre-existing legal right. Legal right is an interest recognized by law. Private

Senior Civil Judge
Orakzai
- 6736
[Signature]

agreements on the other hand create equitable interests which, when duly attested by a public body, attains the status of right.


Throughout the province, register of rights as maintained by the revenue office, or registration of sale deed carried by the registrar's office, is received as adequate proof of official acknowledgment of rights of a party.

However, in newly merged districts, the records are yet to be officially sanctioned. In absence of public records, declaration of title through a judgment in rem is an unsafe legal action.

Therefore, despite the withdrawal of the defense, the court, in exercise of caution, is inclined to declare rights of the plaintiffs against the enlisted defendants and persons claiming through them. Defendants are restrained from claiming rights over suit property and from unwarranted interference with its possession.

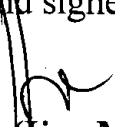
Case file be consigned to the record room after its necessary completion and compilation.

Announced
25.09.2025


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)