

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

Case #	=	61/1
Date of Original Institution	=	12.05.2025.
Date of Decision	=	10.10.2025.

Saeed Khan S/O Adalat Khan R/O Qoum Mani Khel, Tappa Sabzi Khel,
Tehsil Lower, District Orakzai.

.....*Plaintiff*

Versus

Hamad Ali S/O Muhammad Ali Qoum Mani Khel, Tappa Ahmad Khel,
Tehsil Lower, District Orakzai.

.....*Defendant*

**SUIT FOR RECOVERY OF 150,000/- "ONE LAC FIFTY THOUSANDS
ONLY" WITH 15% MARKUP**

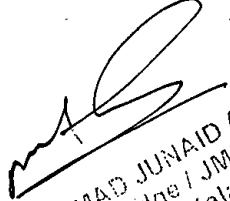
Ex-Parte Judgment:

10.10.2025

Plaintiff alongwith counsel present. Ex-parte evidence recorded
as PW-01 & PW-02. Ex-parte evidence closed. Ex-parte arguments
heard and record perused.

Through this ex-parte order, this court is going to decide the suit
in hand filed by plaintiff against the defendant.

Brief facts of the case in hand are that plaintiff has filed the
instant suit for recovery of 150,000/-. According to the plaint the
defendant had taken a debt of Rs. 150,000/- from the plaintiff in
January 2023, with the promise to return the same soon, but after laps
of considerable time, when the plaintiff demanded his money back the
defendant said that at that time he was unable to pay the said amount.
Since, plaintiff had good relations with the defendant based on trust,
therefore, no note has been written at the time of giving debt money to


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the defendant. Plaintiff is a disable person. Plaintiff contacted the defendant and asked him about the re-payment of debt amount, in response he tendered apology and promised to pay the same till September 2024 but even then he failed to pay the same. That the defendant has retained the money for long period through which the plaintiff could have earned profit on it, if it was kept in bank or invested in business, therefore, he is entitled for 15% markup on the principal amount in question. According to the plaint the cause of action accrued to the plaintiff against the defendant a few days ago as he refused to accept the claim of the plaintiff, hence, the present suit.

After the institution of the instant suit the defendants was summoned. On 18.06.2025, defendant was served through his personal WhatsApp number but no one appeared on behalf defendant therefore, placed and proceeded ex-parte. Thereafter, plaintiff was allowed to produce his ex-parte evidence accordingly.

After submission of list of witnesses, plaintiff produced two witnesses in support of his claim and contention and closed his evidence.

Plaintiff namely Saeed Khan himself appeared and deposed as PW-01 and reiterated the averments of plaint. He is a disable person.

He stated that he gave Rs. 150,000/- to defendant in January 2023. He promised that he will return it soon. That the plaintiff repeatedly conveyed the message through people and also contacted him personally. But the defendant did not return the said amount. Finally, the defendant again promised that he will return the said amount till


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September 2024, but again he failed. Copy of plaintiff CNIC is Ex.PW-1/1. He lastly requested for the decreeing of suit.

Ikhtlaq Ali S/O Kazim Ali appeared and deposed as PW-02. He stated that plaintiff is his close friend and he is a poor and disabled person. Plaintiff in his presence gave Rs. 150,000/- to defendant and defendant promised that he will return it soon. Plaintiff asked time and again the defendant to return his amount but he failed to pay the same. Finally, defendant again promised that he will return the said amount till September 2024, but again he failed. Copy of his CNIC is Ex.PW-2/1.

As there is nothing in rebuttal due to ex-parte proceedings and plaintiff produced reliable evidence in support of his claim, therefore, in view of the above discussion and the evidence available on record, the suit of the plaintiff is hereby **ex-parte decreed** against the defendant for recovery of a sum of **Rs. 150,000/- (Rupees One Hundred Fifty Thousand only)** without **markup of 15%** from the defendant.

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

ANNOUNCED
10.10.2025


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