

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

Civil Suit No.	73/1 of 2023
Date of Original Institution:	25.09.2023
Date of Remand:	04.08.2025
Date of Decision:	18.10.2025

Muhammad Usman son of Amaz Khan, resident of Yaqoobi Kallay Tehsil Takhte Nasrati, District Karak.

(PLAINTIFF)

VERSUS

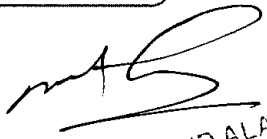
Muhammad Haroon son of Hassan Badshah, resident of Zareen Kallay, Tehsil Takht-e- Nasrati, Karak and 04 others

(DEFENDANTS)

**SUIT FOR DECLARATION CUM PERPETUAL
INJUNCTION AND RECOVERY**

Ex-Parte Judgment/Order:


18.10.2025


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

Vide this order the Court intends to dispose of suit in hand filed by plaintiff against defendants.

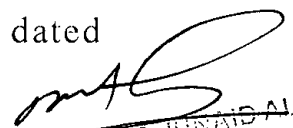
Brief facts of the case gathered from the plaint are that plaintiffs have filed the instant suit for recovery of Rs 5969699/- and Rs-7467705/-. That plaintiff is resident of District Karak and work as PT contractor. Defendants no.02 and no.03 are government contractors while defendant no.01 is junior clerk in Public Health department, who obtain contracts on ring and further distribute them to PT contractors. Plaintiff entered into an agreement dated; 24.07.2021 with Muhammad Haroon in

respect of construction of ground floor and first floor of High School Spin Baigi at full labour rate of Rs-450. During construction plaintiff and Muhammad Haroon also agreed for construction of High School Aavi Mela at 70% full labor rate through an oral agreement. Thereafter plaintiff asked Muhammad Haroon scribe a written agreement in respect of High School Aavi Mela, just like the agreement of High School Spin Baigi but he did not honor the request of plaintiff. On the basis of trust plaintiff started work on both the school and managed to construct structure of ground and first floor of both the schools. In April 2023 due to Holy month of Ramdan and non-releasing of cheque by Muhammad Haroon further construction work was stopped. However, in the month of August 2023 defendant no.01 started work from other PT contractors and when plaintiff demanded his due amount from him, defendant no.01 exercised delaying tactics on one pretext or the other. In this respect several Jirgas were also convened but defendants refused to make good the loss of plaintiff. Furthermore, Rs 5969699/- and Rs-7467705/- are still outstanding against defendants in respect of Spin Baigi School and Aavi Mela School respectively.


 MUHAMMAD USMAN ALI
 Civil Judge / JM-II
 Orakzai at Kalaya

//

After institution of the instant suit but they failed to appear before the Court, hence, were placed and proceeded as ex-parte and plaintiff was directed to produce his ex-parte evidence. Accordingly, plaintiff produced his evidence to prove his stance. Consequently, the Court has passed ex-parte decree on 20.03.2024. Afterward, the judgment debtor filed an appeal before the Worthy District & Sessions Judge, Orakzai On 28.06.2025. Appeal was accepted and the case was remanded back to the Trial Court to proceed in the case after affording opportunity of hearing to the both the parties, who appear before the trial Court on 10.07.2025. On subsequent date of hearing defendant no. 01 was summoned, he appeared before the Court and marked his attendance on the margin of order sheet. On the following date of hearing again defendant no. 01 was again absent and was placed and proceeded ex-parte vide order dated 27.09.2025.


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

Also plaintiff appeared before the Court orally stated that he relies on the already recorded ex-parte evidence. The court accepted the same.

According to the record, Muhammad Usman appeared as PW-01 was re-produced as under. He has produced the list of payment consists of 02 pages, which was Ex. PW-

1/1.his CNIC which was Ex. PW-1/1. He also produced his CNIC which was Ex. PW-1/2.

Arshad Rehman son of Fida Muhammad, appeared as PW-02 in the witness box, reproduced as under. He supported the stance of plaintiff as stated in the plaint. He produced attendance register consists of 07 pages, which was Ex. PW-2/1 and CNIC Ex. PW-2/2.

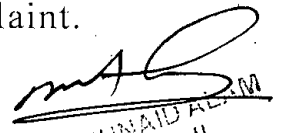
Zakir Ullah son of Ihsan Ullah, appeared and deposed as PW-03 as reproduced as under. He also supported the stance of plaintiff as narrated in the plaint. Copy of his CNIC was Ex. PW-3/1.

Faheem Ullah son of Rasool Khan, appeared and deposed as PW-04 as reproduced as under. He also supported the stance of plaintiff as narrated in the plaint. Copy of his CNIC was Ex. PW-4/1.

Muhammad Wali son of Afsar Khan, was appeared before the Court as PW-05 is reproduced as under. He also supported the claim of plaintiff. He produced his CNIC which is Ex. PW-5/1.

Thereafter, the plaintiff was closed his ex-parte evidence with a note and accordingly counsel for the plaintiff advanced ex-parte arguments.

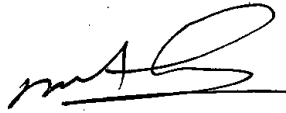
Upon perusal of record, evidence produced by plaintiff the court is of the view that all the PWs deposed


 MUHAMMAD JUNAID AKRAM
 Judge / JM-II
 Orakzai at Kalaya

in light and support of the stance of plaintiff as stated in the plaint. Furthermore, perusal of the evidence produced by plaintiff would reveal that all the PWs fully supported the stance of plaintiff and further due to ex-parte proceedings nothing in rebuttal has been brought on the record. Moreover, plaintiff also produced Ex-PW1/1 and Ex-PW 2/2, which also support his stance.

In light of the above discussion as plaintiff succeeded to prove his stance through his already recorded evidence and furthermore, due to ex-parte proceedings there is nothing in rebuttal or contradictory available on the record, hence, accordingly suit in hand is hereby again decreed in favour of plaintiff for the relief as claimed for recovery of Rs: 1,16,43,005/- (Rupees one crore sixteen lacs forty-three thousand and five). No order as to costs. File be consigned to the record room after its necessary completion and compilation.

Announced
18.10.2025


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