

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

Suit No. : 41/1 of 2024.  
Date of Institution : 07.08.2024.  
Date of Decision : 20.10.2025.

1. Ajmal Hussain 2. Israr Hussain both sons of Meerza Hussain  
resident of Qoum Mani Khel, Tappa Mirwas Khel, Karr Ghar  
Tehsil Lower, District Orakzai.....(**Plaintiffs**)

**VERSUS**

1. Khalid Hussain 2. Naveed Hussain both sons of Naeem Jan 3.  
Sadiq Ali son Noor Ahamd Jan resident of Qoum Mani Khel,  
Tappa Mirwas Khel, Karr Ghar Tehsil Lower District  
Orakzai.....(**Defendants**)

*Mr. Abid Ali Advocate for plaintiffs*

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**Ex-Parte Order/Judgment:**

20.10.2025

Attorney for plaintiff alongwith counsel present. Ex-parte  
evidence already recorded. Ex-parte arguments heard today and  
record perused.

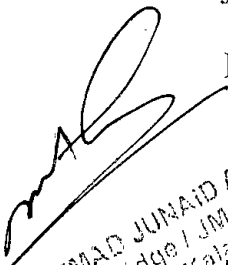
Attorney for plaintiff namely Israr Hussain has invoked the  
jurisdiction of this Court against the defendants praying for:

**P R A Y E R S:**

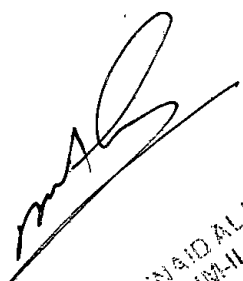
- i. ***Damages due to case and cost of appearances before the court  
and lawyer's expenses Rs. 180,000/-.***
- ii. ***Due to being insulted in the public Rs. 300,000/-***
- iii. ***Mental anguish and distress Rs. 200,000/-.***

**F A C T S:**

Brief facts of the instant suit are that plaintiff filed the instant  
damages suit for recovery of the expenses of Rs. 680,000/-.

  
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Civil Judge / JM-II  
Orakzai at Kalaya

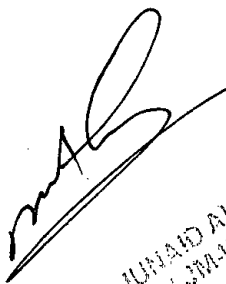
Accoriding to the plaint that in order to humiliate, disturb, harass and cause mental anguish to the plaintiffs, the defendants undue interference in the land already divided between the parties and they also started occupying the suit property. That a suit titled "Israr Hussain vs Khalid Hussain" was filed before the court of Senior Civil Judge on 18.11.2020. The suit remained pending adjudication for 02 years and 08 months and was lastly decreed in favour of plaintiffs. That regarding the first suit, plaintiff paid 60000/- to lawyer and also incurred 90000/- expanses on dates of appearance and bringing witnesses before the court. After the decree in favor of plaintiffs, defendants filed appeal before the Court of Worthy District & Sessions Judge, Orakzai. Plaintiff paid 30000/- to lawyer at the time appeal. And after some dates of appearance the said appeal was dismissed. That defendants were heard in the village by saying that we have filed the suit against plaintiffs with intention of humiliating, harassing and we have no concern with degree of the suit or dismissal of the suit. This act of defendant's, had caused the present plaintiffs great disrespect in the society and public. That defendants were asked time and again but in vain, hence the present

  
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Orakzai at Kalaya suit.

Upon institution of the damages suit in hand, defendants were summoned, who remained absent despite proper services, therefore, placed and proceeded ex-parte and thereafter, plaintiffs were allowed to produce their ex-parte evidence.

After submission of list of witnesses, plaintiffs produced four witnesses in support of their claim.

Plaintiff No.1 himself appeared and recorded his statement as PW-01. He stated that defendants unlawfully occupied the suit property of plaintiffs and started work on it. The plaintiffs personally as well as through Jirga forbade defendants, but the defendants turn deaf ear to them, therefore, even unwillingly plaintiffs had to file suit against defendants in the court. Court of Civil Judge-II, Tehsil Kalaya decreed the previous suit in favour of plaintiffs and appeal filed by defendants was dismissed vide order dated: 11.12.2023 by the Court of Worthy District & Sessions, Judge Orakzai at Baber Mela. Plaintiff paid Rs. 60,000/- to lawyer as fee and other expanses of Rs. 90,000/- incurred on date of appearances before the court and bringing the witness before the court. Plaintiff also paid Rs. 30,000/- to lawyer as fee for contesting appeal. He last requested to decree the instant damages suit owing to case and appearances before the court and the expenses are Rs. 180,000/-, and for being insulted in the public Rs. 300,000/- and causing the plaintiffs mental anguish and distress Rs. 200,000/-.

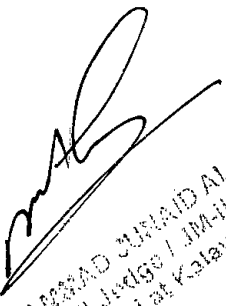
  
MUHAMMAD JUNAID ALAM  
Civil Judge / J.M. II  
Orakzai at Kalaya

During the ex-parte evidence, one Ashab Hussain appeared and recorded his statements as PW-02. He stated that plaintiffs had dispute with defendants. Due to which the plaintiff has suffered an expanse of 180,000 rupees in the case and afterward in appeal etc. And along with this, it is also requested to award 5 lakh rupees for

mental anguish, humiliation and distress as the plaintiffs are elderly persons. Moreover, the plaintiffs have been made embarrassed in the public. Therefore, he requested to decree the suit in their favour. Copy of his CNIC is Ex.PW-2/1.

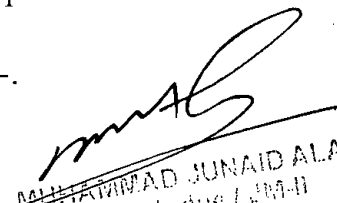
One Naheed Hussain appeared and deposed as PW-03. He stated that defendants had forcibly occupied the suit property of plaintiffs and started work on it. The plaintiffs personally as well as through a Jirga forbade defendants, but the defendants did not pay heed to them. Therefore, compulsively, the plaintiff had to file a case against defendants in court. That case alongwith appeal remained pending before the court for a period of about 03 years. At the end the suit was decreed in favour of plaintiffs and appeal filed by defendants was dismissed vide order dated: 11.12.2023 by the Court of Worthy District & Sessions Judge, Orakzai at Baber Mela. By this act of defendants, plaintiffs faced mental torture and distress before the public. Copy of his CNIC is Ex.PW-3/1.

Plaintiff No.2 for himself and as a special attorney for plaintiff No.1 appeared and deposed as PW-04. He produced his special power of attorney which is Ex.PW-4/1. According to PW-04, the defendant created with the plaintiffs and that even after the division and partition of houses and lands. But, the defendants unlawfully occupied the plaintiffs' land. Defendants denied even the rights of ownership of plaintiffs. Upon which the plaintiffs filed a suit against the defendants on 18.11.2020 which remained pending

  
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before the Courts at Baber Mela and Tehsil Courts Kalaya and was lastly decreed in favour of plaintiffs vide order dated: 12.07.2023. Later on, defendants filed appeal against plaintiff however the said appeal was also dismissed vide order dated: 11.12.2023 by the Court of Worthy District & Sessions Judge, Orakzai at Baber Mela. This act of defendant's caused us great disrespect in the public. He further stated that plaintiffs faced mental torture and distress before the public. He lastly requested to decree the damages suit as due to case and agony of appearances before the court and lawyer's expenses Rs. 180,000/-. And humiliated before the public Rs. 300,000/- and mental anguish and distress Rs. 200,000/-.

Thereafter, plaintiff closed its evidence.

  
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As there is nothing in rebuttal due to ex-parte proceedings, record shows that the plaintiffs produced reliable evidence in support of their claim, therefore, in view of the above discussion, the suit of the plaintiffs is hereby partly decreed. This Court holds that the plaintiffs have successfully established their entitlement to damages as mentioned in prayer No.1 and prayer No.3 of the plaint. The evidence produced on record sufficiently proves that the plaintiffs suffered financial loss due to continuous appearances before the Court and payment of legal expenses; and also endured mental anguish and distress as a consequence of the proceedings initiated by the defendants without lawful justification. Therefore,


the plaintiffs are held entitled to recover **Rs. 180,000/-** on account of case-related expenses and lawyer's fees, and **Rs. 200,000/-** on account of mental anguish and distress, making a total decretal amount of **Rs. 380,000/-**.

As regards prayer No.2 of the plaint, this Court is of the considered view that mere attendance before the Court during judicial proceedings cannot, in itself, be regarded as an act of insult or defamation before the public, as such appearances are part of due process of law and cannot be treated as humiliation in the legal sense. Hence, the claim of the plaintiffs for **Rs. 300,000/-** under prayer No.2 is found to be without merit and is accordingly ***dismissed***.

Resultantly, the suit for damages is partly decreed to the extent of prayer No.1 and prayer No.3 in the total sum of **Rs. 380,000/-** (Three lacs & Eighty Thousand only), while the claim mentioned in prayer No.2 stands **dismissed**. The decree shall follow accordingly. Plaintiffs shall bear their own costs.

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

**Announced**  
20.10.2025

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