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

Suit No. : 129/1 of 2025.
Date of Institution : 04.08.2025.
Date of Decision : 29.10.2025.

Muhammad Nawaz S/O Khan Asghar resident of Qoum Mishti, Sarla District Orakzai.....(*Plaintiff*)

VERSUS

Amal Khan S/O Khial Bar Jan resident of Qoum Mishti, Sarla District Orakzai.....(*Defendant*)

Mr. Khan Kareem and Haroon Advocate for plaintiff

Ex-Parte Order/Judgment:

29.10.2025

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

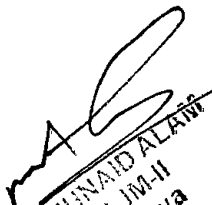
Plaintiff namely Muhammad Nawaz has invoked the jurisdiction of this Court against the defendant praying for:

P R A Y E R S:

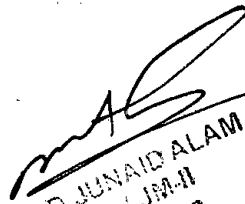
- i. *Recovery of Rs. 40 lacs vide agreement deed 09 Nov 2024.*
- ii. *Recovery half salary i.e. Rs. 35,000/- in total of 70,000/- from 9th Dec 2024 till the disposal of the suit.*
- iii. *Recovery of Rs. 2 lacs incurred on the fee of lawyer and appearances expenses.*

F A C T S:

Brief facts of the instant recovery suit are that plaintiff filed the instant recovery suit for recovery of Rs. 40 lacs on the basis of agreement deed dated: 09 November 2024, recovery of half of salary


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i.e. 35,000/- in total of 70,000/- and recovery of Rs. 02 lacs incurred on the expanses of lawyers and appearances before the court. Parties to the suit belongs to the same family. The Government High School, Mishti Mela was approved to the forefathers of the parties by the education department government of Pakistan, as the forefathers of the parties had denoted property for the above mentioned School. In reciprocation the Government of Pakistan, Education Department, Orakzai had approved 02 vacancies for them in the said school. While, one of the vacancy was jointly assumed to parties to the suit as it was legal in the erstwhile FATA. Both the parties in the instant suit had received their specific amount till years 2010. Nevertheless, the accounts between the parties to the suit from 2010 to 2024 were settled and according to which plaintiff had outstanding of Rs. 40 lacs to defendant and Jirga members bound defendant to give the above mentioned amount to plaintiff. In the year 2025, plaintiff demanded the alleged amount from the defendant but he denied. The plaintiff repeatedly tried to convince the defendant through a local dignitary and elders, but instead of agreeing, the defendant resorted to threats. Due to this, plaintiff had no other way but to file suit against defendant. Hence, the defendant is bound to pay the said amount as well as the expenses of the court proceedings. And from January 2025 until the case is filed, defendant should pay half of the salary, approximately 35 thousand, every month.


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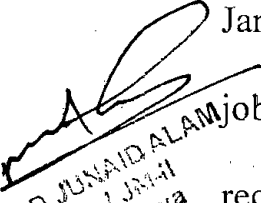
Upon institution of the recovery suit in hand, defendant was summoned, who remained absent despite service through his son, therefore, placed and proceeded ex-parte and thereafter, plaintiff was allowed to produce his ex-parte evidence.

After submission of list of witnesses, plaintiff produced three witnesses in support of his claim.

Plaintiff himself appeared and deposed as PW-01. Copy of his CNIC is Ex.PW-1/1. Plaintiff stated that our forefather handed over the suit property to Education Department, Orakzai in the year 1990. Education department had approved two vacancies, one was of Sweeper and the second one was of the post of Mali. Khial Asghar and Razeef Khan were jointly appointed as Mali while Jan Akbar (uncle of plaintiff) and Amal Khan were jointly appointed as Sweeper. And in the year 2010, through a private partition between

Jan Akbar, Khan Asghar and Khawaja Main, the plaintiff got the job of sweeper. But, however, since year 2010, the plaintiff had not received the share in the salary that was part of the said job.

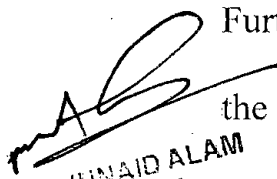
Furthermore, a Jirga Ex.PW-1/2 was called with the consent of both the parties, wherein, it was decided that from 2010 to 2014, about 4 million rupees are due to Amal Khan. Amal Khan was bound to pay the said amount within 6 years. Moreover, defendant was bound to pay half the salary to the plaintiff. He lastly requested to recover Rs. 2 lacs incurred on the expanses of lawyers and appearances before the court.


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During the ex-parte evidence, one Khial Akbar appeared and recorded his statements as PW-02. Copy of his CNIC is Ex.PW-2/1. He said parties to the suit belongs to same family. The witness further stated that we jointly allotted the suit property for the Mishti High School. The suit property is the joint property of 4 forefathers. Later on, Education department had approved two vacancies, one was of Sweeper and the second one was of the post of Mali. Khial Asghar and Razeef Khan were jointly appointed as Mali while Jan Akbar (uncle of plaintiff) and Amal Khan were jointly appointed as Sweeper. And in the year 2010, through a private partition between Jan Akbar, Khan Asghar and Khawaja Main, the plaintiff got the job of sweeper. But, however, since year 2010, the plaintiff had not received the share in the salary that was part of the said job.

Furthermore, a Jirga Ex.PW-1/2 was called with the consent of both the parties, wherein, it was decided that from 2010 to 2014, about 4 million rupees are due to Amal Khan. Amal Khan was bound to pay the said amount within 6 years. Moreover, defendant was bound to pay half the salary to the plaintiff. He lastly requested to recover Rs. 2 lacs incurred on the expanses of lawyers and appearances before the court.

One Sial Gul, who is Jirga member appeared and deposed as PW-03. Copy of his CNIC is Ex.PW-3/1. He stated that in the year 2024, a Jirga was held between Amal Khan and Muhammad Nawaz the deed of which is already exhibited as Ex.PW-2/1. The witness



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further stated that we decided the matter with the consent of both the parties, as there was a dispute between Amal Khan and Muhammad Nawaz over the job in the Mishti High School. Muhammad Nawaz had outstanding an amount of salary from the year 2010 to year 2024 against defendant, which was payable by Amal Khan to Muhammad Nawaz. In this regard, we decide the matter in issue that Amal Khan could be bound to give Rs. 4 million to the plaintiff. Furthermore, the salary from 01.12.2024 till date would be paid to Muhammad Nawaz in 6 years. Moreover, Amal Khan was also bound to give approximately 750,000 every year.

Amal Khan and Muhammad Nawaz agreed upon the decision of the Jirga and they also thumb impressed the said Jirga deed.

Thereafter, plaintiff closed its evidence.

As there is nothing in rebuttal due to ex-parte proceedings, record shows that the plaintiffs produced reliable order as well as documentary evidence in support of their claim, therefore, in view of the above discussion, the suit of the plaintiff is hereby decreed. In view of the unrebutted and unchallenged evidence brought on record by the plaintiff, coupled with the documentary proof, this Court is of the considered opinion that the plaintiff has successfully established his claim against the defendant. Despite having been duly served, the defendant failed to appear before this Court and was proceeded against ex-parte. The evidence of the plaintiff,



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therefore, remains uncontroverted and is deemed to be true and correct.

Accordingly, the suit stands decreed **ex-parte** in favour of the plaintiff and against the defendant. That the plaintiff is entitled to recover a sum of **Rs. 40,00,000/- (Forty Lacs)** from the defendant on the basis of the **agreement deed dated 09.11.2024**, recovery of **Rs. 35,000/- (Thirty-Five Thousand)** being half of the monthly salary amounting to Rs. 70,000/- and recovery of **Rs. 2,00,000/- (Two Lacs)** incurred towards **expenses of lawyer and court appearances**. Plaintiff shall bear his own costs.

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

Announced
29.10.2025


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