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

Suit No. : 75/1 of 2023.
Date of Institution : 09.10.2023.
Date of Decision : 24.11.2025.

Muhammad Ayaz S/O Said Nabi resident of Qoum Mani Khel,
Tappa Sabzi Khel, Tehsil Lower, District Orakzai.....(*Plaintiff*)

VERSUS

1. Inayat Ali Shah through legal heris 2. Syed Raza 3.
Tasawar Abbas 4. Muhammad Mehdi sons of Inayat Ali Shah
5. Sidra Batool 6. Asma 7. Anees Fatima daughter of Inayat Ali
Shah resident of Qoum Baba Nawasi, Sarra Ghal presently
residing Chashma Metakhan, Kacha Pakha Tehsil Lower Orakai
.....(*Defendants*)

Mr. Insaf Ali Advocate for plaintiff

Ex-Parte Order/Judgment:

24.11.2025

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

Plaintiff has invoked the jurisdiction of this Court against the
defendants praying for:

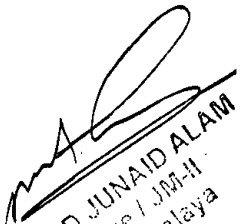
P R A Y E R S:

i. *Recovery of Rs. 448300/- alongwith profit as per Bank Schedule of Pakistan against defendant Inayat Ali Shah deceased on account of coal business between the parties.*


ii. *The amount of Rs. 250,000/- as expanses on the Jirga which negotiated rendition of accounts between the parties after the defendant refused to pay the outstanding amount of the plaintiff.*

F A C T S:

Brief facts of the instant recovery suit are that the business of buying and selling coal was being carried on regularly between the parties through an account till 12.02.2020. The plaintiff was buying coal and selling it to the defendant. There was maintained a regular account/register of purchase and sale between the parties. In which everything about the business had been written by the defendant himself. Copy of the account is attached. That as on 12.02.2020, the defendant had outstanding debt of Rs. 948300/- as per the account. However, when the plaintiff asked the defendant to pay the said amount, he started delaying. The plaintiff filed various applications on 21.07.2020, 07.12.2020 and 11.02.2021 for recovery of amount about Rs. 10 lakhs with the SDPO Orakzai. But no action was taken. The copies of the applications are annexed. That during this time, there held many jirgas between the parties in the presence of witnesses. Millions of rupees were spent on jirgas. The plaintiff was


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compelled to occupy a certain area from the defendant, so an FIR was registered against the plaintiff along with others on 26.02.2021 under sections 392,506,34 of the Criminal Procedure Code. However, plaintiffs was acquitted in the said FIR. In this regard, the defendant paid Rs. 500,000 to the plaintiff through Syed Riaz Hussain from the amount in the said account. So the amount of Para-Alf remained outstanding, which has not been paid to the plaintiff yet. Witnesses in this regard will appear before the court. The amount in Para-Bay which was spent on jirgas etc has not been paid to plaintiff. That during this time the plaintiff also gathered several Jirga members for the defendant. But the defendant is a stubborn and law-breaking person. The plaintiff spent an amount of 250,000/- rupees on the Jirga etc as a recovery the amount makes a total of 698,300/-. Therefore, the defendant is required to pay the amount of Rs. 698,300/- along with bank profit to the plaintiff. That the defendant should pay to the plaintiff the total amount of Rs. 698,300/- for the purchase of coal as per the account between the parties. That defendant was asked time and again but in vain, hence the present suit.


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Upon institution of the recovery suit in hand, defendant was summoned, who appeared before the court and marked his attendance. The defendant pursued his case for some time, but later, during the pendency of the case, the defendant passed away. Plaintiff was directed to submit list of legal heirs of defendant. He

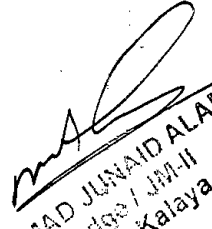
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submitted the same and names of legal heirs of defendant were impleaded in the penal of defendant vide order No. 27 dated: 17.03.2025.

On 27.10.2025, vide order No.39 both the plaintiff and legal heirs of defendant appeared before the court sought time for compromise. Later on, on 06.11.2025 compromise failed between the parties, however, both the parties had categorically stated before the court that the court may decide the matter through reconciliation as it deems fit without recording evidence anymore.

The record reflects that originally the defendant was pursuing the case; however, during the pendency of the proceedings, the defendant paned away. Thereafter, the legal heirs of the deceased defendant were duly brought on record in accordance with law.

On 17.11.2025, the plaintiff and the legal heirs of the deceased defendant appeared and made a joint statement before the Court to the effect that they have no objection if the Court decides the matter in accordance with the claim of the plaintiff. They further stated that they submit themselves to the order of the Court and shall abide by the decision.


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The Court had heard the parties and perused the pleadings and material available on record. The plaintiff has claimed an amount of Rs. 448,300/- in Para-A (Alif) of the plaint and 250,000/- in Para-B. However, after considering the statements of the parties, and their verbal stance and request for decision of case through

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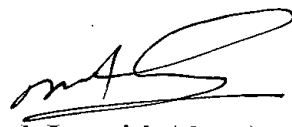
reconciliation circumstances of the case, and the admitted position before the Court, the court allowed Para-A to the extent of **Rs. 375,000/-** as it appears justified and is accordingly allowed. The remaining claim under Para-A beyond Rs. 375,000/- is declined.

So far as **Para-B** of the plaint is concerned, the plaintiff has failed to substantiate the claim through cogent material, and further, the legal heirs of the deceased defendant did not affirm any liability in that regard. Therefore, the claim under **Para-B** is hereby **dismissed**.

Resultantly, the suit of the plaintiff is **partially decreed** to the extent of **Rs. 375,000/-** only, and stands **dismissed** for the remaining amount and relief. Plaintiff shall bear their own costs.

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

Announced:
24.11.2025


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