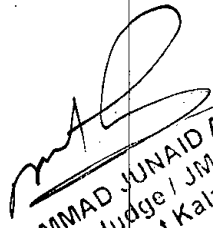


FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI

Case Title: مقبلی خان ونیر Vs مقل جعفر ونیر

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order-07	22.04.2025	Complainant in person present while respondent no. in person alongwith counsel present. Vide this order the Court intend to dispose of instant complaint filed under section 133 Cr.P.C. Arguments on behalf of complainant already heard while counsel for respondents advanced his arguments. Brief facts of the case are that petitioners filed instant complaint against respondents, wherein they alleged that respondents have created nuisance in disputed passage by digging huge pits through excavator. Furthermore, respondents have blocked/obstructed the said road/thoroughfare which has caused inconvenience to the complainant party and other inhabitants of the area/co-villagers and has become a public nuisance. Complainant party further stated that the said public way/thoroughfare is the joint way of the co-villagers since the time of their fore-fathers. That respondents were asked to open the road/thoroughfare but in vain, hence, the present complaint. Complaint was filed on 06.12.2024. Statement of complainant was recorded under section 200 Cr.PC. Conditional order in the instant complaint under section


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

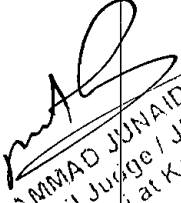
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Case Title: _____ Vs _____

Contd. Order-047	22.04.2025	133 Cr. PC was passed and sent to the respondents for compliance in accordance with law. SHO concerned was directed to hold inquiry and submit report on date fixed. Inquiry report was submitted by SHO concerned. The court received the said report, resultantly, the court, vide order dated: 12.03.2022, passed conditional order directing the respondents to remove unlawful public nuisance caused by digging of huge holes forthwith and open the road/thoroughfare, otherwise, show cause/file objection, if any. As per provisions of Section 133 Cr. PC, when the respondent appears and shows cause against the order, the Magistrate shall take evidence in the matter (in the manner provided in chapter XX). If the Magistrate is satisfied that the order is not reasonable and proper, no further proceedings shall be taken in the case and if the Magistrate is not so satisfied, the order shall be made absolute. As stated above, respondents appeared and contended that there is no road/thoroughfare and the property in question is their ancestral ownership. SHO PS Mishti Mela was directed to visit the spot and hold inquiry, record the statement of the parties and prepare site plan. Today SHO concerned appeared in person before this court and submitted his detailed report.
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IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI
Case Title: _____ Vs _____

Contd. Order-07  MUHAMMAD JUNAID ALAM Civil Judge / JM-II Orakzai at Kalaya	22.04.2025	Perusal of the said report would reveal that SHO PS Mishti Mela has reported that both the parties are neighbors and there exist a dispute between the parties on the public way/thoroughfare. SHO PS Mishti Mela also recorded statements of inhabitants of locality. From the statements of inhabitants of locality, it is proved that the actual and original width of the disputed passage was four feet since the time immemorial and currently same is not in its original position i.e. almost 2-3 feet wide. Furthermore, it is also evident from the report as well as statements of locals that the disputed passage is a public way used by pedestrians since long and currently the respondents have dig out the suit passage and which is a public nuisance and has created hurdles for the pedestrians. Furthermore, as per site plan annexed with the report by SHO, the suit passage/thoroughfare now is restricted to 2-3 feet while the original was 04 feet wide. In light of the above discussion, instant complaint filed under section 133 Cr.P.C is hereby accepted and respondents are hereby directed to remove the nuisance in disputed suit passage/thoroughfare and clear all the hindrance. Moreover, the court holds that everyone has the right to pass through the disputed pathway. No order as to costs.
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Contd. Order 	22.04.2025	File be consigned to the record room after its necessary completion and compilation. <u>Announced</u> 22.04.2025  <u>Muhammad Junaid Alam,</u> Judicial Magistrate-II, Tehsil Courts Kalaya, Orakzai
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