Order...03
10.05.2023

Present:

Petitioner in person along with counsel.

Today the case was fixed for arguments on maintainability but counsel for the petitioner sought time for the same. Granted. File to come up for arguments on maintainability on **17.05.2023**.

Sami Ullah
Civil Judge-I,
Orakzai (at Baber Mela)

Order No.04
17.05.2023

Present:

Plaintiff in person alongwith counsel.

1. This order is directed to dispose of the instant petition which was put to maintainability.
2. Brief facts of the case are that petitioner has filed a civil suit titled as Azmat Ullah Vs Hayat Khan and others alongwith application for grant of Temporary Injunction. This court vide order dated: 14.03.2023, granted Ad-interim temporary injunction up to the extent of alienation only. Learned counsel for the petitioner filed the instant petition contending that the respondents have violated court order related to grant of the above stated Ad-interim injunction. The petitioner contended in the instant petition that the respondents are trying to cultivate the disputed property.
3. Arguments on behalf of the petitioner heard.
4. After perusal of case file, the record transpires that the petitioner and respondents are joint owners of the suit property and the respondents being in possession of the suit property are cultivating the same from longtime. Moreover, the Ad-interim.

(Continued....)

Sami Ullah
Civil Judge/JM-I
Orakzai at (Babar Mela)

Order No.04
Continued.
17.05.2023

injunction was granted by this court up to the extent of alienation only.

5. Keeping in view the above stated facts, petitioner has failed to prove violation of Ad-interim injunction order of this court by the respondents. Needless to mention that the petitioner has not raised any fact relating to alienation of the suit property by the respondents in the instant petition.

6. Therefore, petition in hand stand **Dismissed** being not maintainable. No order as to costs for the reason that the instant petition was put to maintainability and respondents have not been summoned.

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

Announced
17.05.2023

Sami Ullah

Sami Ullah
Civil Judge-I,
Orakzai (At Baber Mela)