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Present:

Petitioner No.02 in person along with counsel.
Respondent No.01 in person along with counsel.

1. This order is intended to dispose of an application for grant of temporary injunction filed by the plaintiff against the defendants.

2. Brief facts of the case are that plaintiffs/respondents filed the instant suit for declaration-cum perpetual & mandatory injunction and possession through partition to the effect that they alongwith proforma defendants (defendant No.2 to 11) are co-owner in possession of suit property fully detailed in the head note of the pliant. That defendant has no right to deny the legal rights of plaintiffs and to interfere in the suit property. That defendant No.1 was asked time and again to admit the legal claim of plaintiffs but in vain, hence, the present suit.

3. The defendants/respondents contested the suit by filing written statement and reply of the application for grant of temporary injunction. In the written statement the defendants/respondents contended that the suit property is their sole ownership and is not a joint property.

4. Argument by the counsel for the plaintiffs already heard while argument by the counsel for the defendants heard today.

5. Learned counsel for the plaintiffs/petitioners argued that plaintiffs/petitioners have got a prima facie case. Balance of convenience also lies in his favor and that if temporary injunction is not granted, he would suffer irreparable loss and lastly prayed for the acceptance of the application.

6. The other side fully resisted the application through arguments.

7. It is well settled law that for grant of temporary injunction, a party has to prove three essential ingredients i.e., prima facie case in his favor,

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Orakzai at (Babar Mela)

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balance of convenience tilts in his favor and in case injunction is not granted, he would suffer irreparable loss. Insofar, as the instant case is concerned, plaintiffs are claiming that they are co-owner in the suit property. Plaintiffs have not annexed with his plaint any reliable documentary proof in support of his claim and contention. On the other hand, the defendants totally denied the claim of the plaintiffs, rather claimed the same as their ancestral property. There is nothing in the shape of any relevant document from which, it could be presumed that tentatively that the plaintiffs alongwith proforma defendants (defendant No.2 to 11) are co-owner in possession of suit property. Also, there is no admission in the written statement in favor of the plaint rather there is a straight denial. Furthermore, the description of suit property is not clear and the temporary injunction cannot be granted when the same has not been specified and fully detailed.

8. Therefore, as a result of above discussion, the petitioners/plaintiffs failed to establish his claim prima facie, what to say of the balance of convenience and irreparable loss.

9. Thus, the three necessary ingredients for the grant of temporary injunction do not exist in favor of the plaintiffs, therefore, the application in hand is hereby **Dismissed**. Costs shall follow the event.

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

Announced
26.05.2023

Sami Ullah
Civil Judge-I,
Orakzai at Baber Mela.