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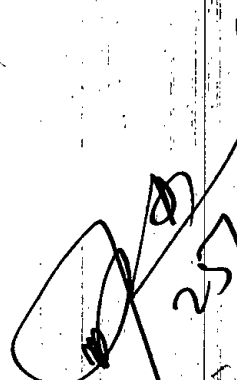
FORM "A"
FORM OF ORDER SHEET

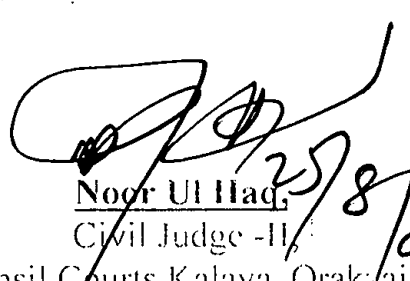
IN THE COURT OF NOOR UL HAQ, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI

Serial No. of Order of Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or Counsel where necessary.
1 Order No. 05	2 25.08.2026	3 Parties alongwith their counsels present. Vide this order, the Court intends to dispose of instant application for grant of temporary injunction, filed by the plaintiff, hereinafter referred as petitioners. Arguments heard and record perused. Record reveals that plaintiff in the instant suit has alleged that the suit property is his ancestral property. Further stated that a jirga was held between the parties to the suit dated 28.07.2026, wherein respondent was restrained from construction, but respondent forcibly continued construction work over the suit property. That the jirga members have declared the respondent to be wrong in his acts regarding the suit property. Petitioner lastly requested for acceptance of application and confirmation of ad interim status quo in his favour. Contrary to this, respondent stated that the suit property was privately partitioned between the parties to the suit. After partition both the parties are enjoying their possession. That respondent has signed different agreement deeds dated 15.01.2023 & 28.07.2026 with one Farid Gul and Syed Raziq regarding rent. That

25/8/26.
NOOR UL HAQ
Civil Judge/JM-II
Orakzai Kalaya

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		petitioner is also possessing his share and shops therein, which he has rented out. He lastly requested for dismissal of the application. Going through record, this court is of the view that though petitioner is alleging the suit property to be joint ownership, yet this fact has been denied by respondent, saying it has been privately partitioned. To this effect, he has placed on file certain statements of tenants and an assessment list issued by the district administration, where both parties amongst others have been mentioned and their respective property and its current position after flood has been described. Moreover, during arguments and personal hearing of the parties, petitioner admitted that he also has possession of certain portion of the property and shops therein, which show that somehow, private partition has been conducted. It is yet to be determined, whether parties are in possession of their respective shares, as they are entitled for? The stance of private partition, taken by respondent is further strengthened from headnote of the plaint, where boundaries of the property has been mentioned and ownership of both parties have been shown.


25/8/26.
For the Plaintiff
[Signature]
[Signature]

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		It is also worth discussion here that admittedly, the suit property had constructed shops which were damaged by recent flood water. The respondents are not making fresh construction over the suit property but the already damaged shops are being re-constructed. All the above facts suggest that all the three ingredients for grant of injunction do not favour petitioner, rather they tilt in favour of respondent and if he is restrained from enjoying his possession, he would face irreparable loss. In light of what has been discussed above, the application in hand is hereby dismissed and the ad interim status quo already granted is vacated. Cost shall follow the events. Instant file be consigned to District Record Room, Orakzai after its proper completion and compilation. <u>Announced</u> 25.08.2026  Noor Ul Haq Civil Judge -II Tehsil Courts Kalaya, Orakzai