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FORM "A"

FORM OF ORDER SHEET

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

Case Title:

عزیز الرحمن

Vs

سلطان بادشاہ

Serial No of order or proceedings 1	Date of Order Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
Order 05	25.08.2026	Parties alongwith their counsels present. Vide this order, the Court intends to dispose of instant application for grant of temporary injunction filed by plaintiff, hereinafter referred as the petitioner. Arguments of both the learned counsels for the parties heard. Record reveals that petitioner through instant suit stated that the suit property is the joint and ancestral property of petitioner/plaintiff and respondent/defendant no. 01 to 03. That three days before filling the instant suit, respondent/defendant no. 04 started construction work, forcibly and without consent/permission of petitioner/plaintiff. When petitioner asked him, he stated that respondent no. 01, Sultan Badshah has given him the suit property on the terms & conditions, that he will construct the shops as tenant and its ownership will remain with Sultan Badshah. That respondents have started construction work in the joint property without the consent of petitioner. Hence, he prayed that by acceptance of his application, respondents may kindly be restrained from construction over the suit property till proper partition. Contrary to this respondents/defendants, stated in their

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written statement that previously suit property was partitioned between petitioner and father of respondent no. 01 to 03 about 40-45 years ago and that each party has been enjoying their exclusive possession over the suit property since then. Furthermore, respondent no. 01 to 03 have constructed seven shops in shape of market in their owned share. That they are not making fresh construction rather they are re-constructing the damaged shops, which already existed, since private partition. They lastly requested that petitioner/plaintiff's application may kindly be dismissed.

Going through the record with the valuable assistance of learned counsels for the parties, this Court is of the view that though petitioner is alleging the suit property to be joint ownership of petitioner and respondent no.1 to 3, however it is also an admitted fact that both parties have got possession of certain portion of the property since long.

Both parties possess shops and certain other land. The present dispute has arisen upon construction of shops. Yet it is on record that these were already constructed and were given on rent, but due to recent flood, the shops were damaged and respondents/owners are getting them constructed through a tenant, for which they have entered into an agreement. It is further worth discussion here that certain other iqarnamas, scribed by tenants, have been

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produced by respondents in their favour. Moreover, the petitioner has filed the instant suit for partition but neither he impleaded all the shareholders nor has he described all the joint property belong to the parties.

The respondents have claimed that the suit property has been privately partitioned and both parties are enjoying their respective possession. This fact has come to the surface, on the available record, especially when petitioner was asked as to whether they have got possession of certain portion, he admitted the fact and also stated that he is also constructing a portion of the property. The above discussion reveals that if respondents are restrained from construction of the shops, they would face irreparable loss. The other two ingredients of injunction also tilt in favour of respondents.

In given circumstances, no prima facie arguable case exists in favor of petitioner at this stage. Therefore, instant application for grant of temporary injunction is hereby **dismissed** and the ad interim injunction/status quo already granted is vacated. Cost shall follow the events. This file be consigned to District Record room, Orakzai, after its proper completion and compilation.

Announced

25.08.2026

Noor Ul Haq,

Civil Judge-II,

Tehsil Courts Kalaya, Orakzai

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