

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

Suit No.....158/1 of 2025.

Date of Institution.....25.09.2025.

Date of Decision.....12.08.2026.

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Gul Man Shah S/O Khial Mat Shah R/O Qoum Mishti, Tappa Darwi Khel,
Karghan Tehsil Central, District Orakzai..... (Plaintiff)**VERSUS**Badshah Khan S/O Muhammad Ali R/O Qoum Mishti, Tappa Darwi Khel,
Karghan Tehsil Central, District Orakzai..... (Defendant)

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SUIT FOR DECLARATION CUM-PERMANENT INJUNCTION

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SUMMARY JUDGMENT

12.08.2026

Parties along with their counsel present. Arguments on behalf of counsel for both the parties were heard. Parties to the suit also heard. Record perused.

Brief facts of the case in hand are that plaintiff is permanently residing in District Orakzai. That the suit property consisting upon one field situated at Syed Khalil Baba Peer Naka, PEROZ Khel Tehsil Lower Orakzai is the ancestral property of plaintiff and defendant has no concern with the suit field while the same is in possession of plaintiff. That the suit field was sold to one Anwar Zahid Son of Nazal Khaliq in lieu of Rs 800000/- in the presence of witnesses and plaintiff received Rs. 100000/- (one lac). When the defendant came to

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know about the transaction, the defendant sent his people to the salee Zahid Anwar and restrained him from the completing the sell transaction. That the defendant is a powerful person, who pressurized the salee and plaintiff. Plaintiff lastly requested to decree the suit in his favour against the defendant. That defendant was asked time and again to admit the legal claim of plaintiff but in vain, hence, the present suit.

Defendant was summoned who appeared before the court and contested the suit by submitting written statement, wherein it is averred that he has the preferential right to purchase the suit property. Defendant further stated in his written statement that he was ready to provide whatever amount plaintiff demand for the suit property.

Perusal of record reveals that on 25.07.2026, during examination of the parties under order X CPC, counsel for plaintiff stated at the bar that if defendant is serious in purchasing the suit property, he may deposit 1/3rd amount of total worth of the suit property and case was fixed for arguing on summary disposal. On 12.08.2026, the parties were again heard, and sufficient time was afforded to the defendant to consider the proposal of depositing the said one-third amount. After some time, the defendant returned before the Court and stated that the amount demanded by the plaintiff was excessive and that he was not in a position to purchase the suit property on such excessive rate.

On 03.08.2026, court granted interim order/stay for the statutory period of 06 months or till disposal of instant suit on the

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ground that defendant has admitted the plaintiff's ownership over the suit property. However, defendant claims preferential right to purchase the property. The pleadings of the parties prima facie, reveal the stance of plaintiff to be genuine whereas the defendant's admission in respect of ownership of plaintiff, further strengthens the stance and claim of plaintiff that defendant is interfering in the suit property, thereby preventing plaintiff to exercise his right to sell the property.

The stance taken by the defendant, however, does not create any legally sustainable dispute regarding the plaintiff's title, particularly when the defendant has categorically admitted the plaintiff's ownership over the suit property in his written statement. Such admission, being clear and unequivocal, constitutes a material admission against the defendant and substantially narrows down the scope of controversy between the parties. The defendant has failed to show any lawful basis on which the plaintiff's admitted ownership can be denied or interfered with.

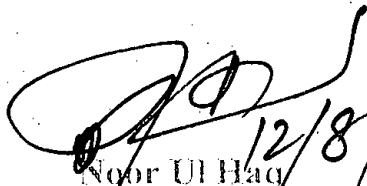
Therefore, keeping in view the unequivocal admission contained in the defendant's written statement, the conduct of the parties before the Court, and the failure of the defendant to establish any lawful right to interfere with the plaintiff's admitted ownership and possession, no useful purpose would be served by prolonging the proceedings. The plaintiff is, accordingly, entitled to a decree.

Consequently, the suit is decreed in favour of the plaintiff. The defendant is hereby permanently restrained, through a decree of

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permanent injunction, from making any kind of interference, obstruction, encroachment, dispossession, or otherwise disturbing the plaintiff's lawful ownership, possession and rights in respect of the suit property. The defendant shall remain bound by this decree. Decree sheet be prepared accordingly. Cost shall follow the events. File be consigned to record room after its necessary completion and compilation.

ANNOUNCED
12.08.2026


12/8/26.
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