IN THE COURT OF ZAHIR KHAN FAMILY JUDGE-I, KALAYA, ORAKZAI

Case No.....4/FC of 2022

Date of Institution.....14.11.2022

Date of Decision.....02.05.2023

Mst. Khadia Bibi D/O Fazal Hakeem, W/O Azeem Khan R/O Qaum Bezot, Tappa Bathani, District Orakzai.....**Plaintiff.**

Versus

Azeem Khan S/O Saleem Shah R/O Qaum Feroz Khel, Tappa Qeemat Khel, District Orakzai .....**Defendant.**

SUIT FOR DISSOLUTION OF MARRIAGE ON THE BASIS OF CRUELTY.

Summary Judgment
02.05.2023

Special attorney of plaintiff namely Noor Muhammad present. Defendant namely Azeem Khan in person present. Today, the case was fixed compromise.

Parties apprised the court that compromise has been effected between the parties and requested for disposal of the suit on the basis of compromise. Compromise deed submitted. Statement of special attorney for plaintiff named above recorded which is duly thumb impressed by him. Compromise deed is Ex.PA, copy of CNIC of Noor Muhammad is Ex.PB and copy of CNIC of elder/malak is Ex.PC.

Through this summary judgment, I intend to dispose of the instant suit filed by plaintiff against defendant for dissolution of marriage on the basis of Cruelty, maintenance allowance of RS. 15,000/- from 02.02.2021 till disposal of the suit and recovery of medical expenses of RS. 50,000/-.

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ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

Succinct facts of the instant suit are that plaintiff has filed the instant suit for dissolution of marriage on the basis of cruelty, recovery of maintenance allowance of RS. 15,000/- from 02.02.2021 till disposal of the suit

and recovery of medical expenses of RS. 50,000/- contending that marriage of plaintiff was solemnized with defendant on 01.06.2020. Plaintiff and defendant lived amicably for some time but later on, behavior, conduct and attitude of defendant towards the plaintiff changed and the defendant started to treat plaintiff inhumanely even on trifles. That plaintiff was mentally and physically tortured and lastly defendant expelled her from his house on 02.02.2021 and since then, she is residing with her parents and brothers.

Defendant was summoned who appeared before the court and contested the suit through filing written statement by raising various legal and factual objections.

Pre-trial reconciliation proceedings were held which failed, resultantly, the following issues were framed for adjudication.

1. Whether plaintiff has got a cause of action? OPP
2. Whether plaintiff is entitled for dissolution of marriage on the ground of cruelty? OPP
3. Whether plaintiff is entitled to the recovery of maintenance allowance of 15000/- per month since 02.02.2021? OPP
4. Whether plaintiff is entitled to the recovery of medical expenses of 50,000/-?
5. Whether plaintiff was ousted by defendant from the house on 02.02.2021 and since then she is living with her parents/brothers? OPP
6. Whether defendant is entitled to the decree for restitution of conjugal rights as prayed? OPD
7. Relief.

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After submission of list of witnesses, plaintiff produced 03 witnesses. Plaintiff herself appeared and deposed as PW-01. She reiterated the averments of

plaint. She stated that she cannot live with her husband as his wedded wife and requested to dissolve her marriage as prayed for.

Gul Hakeem (relative) and Abdul Jameel (brother of plaintiff) appeared and recorded their statements as PW-02 and PW-03 respectively. They fully supported the stance of plaintiff. Photocopies of their CNICs are Ex-PW 2/1 and Ex.PW-3/1 respectively.

Per compromise deed Ex.PA and statement of special attorney of plaintiff, plaintiff has been divorced by defendant as a result of Jirga. Defendant will pay Rs. 180,000/- to plaintiff as a result of Jirga decision. Compromise deed is duly thumb impressed by special attorney for plaintiff, defendant and Jirga member/malak namely Mawali Khan. Resultantly, suit of plaintiff is disposed of as per terms and conditions mentioned in compromise deed Ex.PA.

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

ANNOUNCED
02.05.2023

Zahir Khan
Family Judge-I,
Kalaya, Orakzai