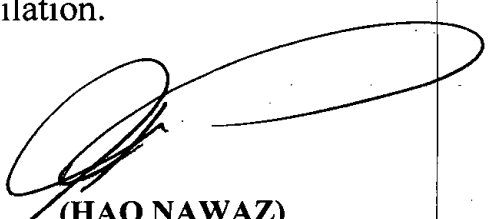


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IN THE COURT OF DISTRICT & SESSIONS JUDGE, ORAKZAI
AT BABER MELA

Case Title: Khushsanga VS Gul Jan etc

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
Order No.06	22.07.2026	Appellants through counsel present. Respondent No. 1 through his brother along with counsel present. Arguments heard. Case file be put up for order on 31.08.2026.  (HAQ NAWAZ) Sessions Judge, Orakzai at Baber Mela
Order No.07	31.08.2026	Abdullah, the brother of petitioner No. 1 present. Brother of the respondent No. 1 also present. Arguments already heard. The record perused. This civil revision petition was preferred against the order dated 29.04.2026 passed by the Court of Senior Civil Judge, Orakzai in Civil Suit No. 31/1 of 2025 whereby application of the petitioners for additional evidence was rejected. Brief facts of the case are that; the petitioners brought their suit for declaration along with permanent and mandatory injunction to the fact that they are owners in possession of the suit property, described with four boundaries in headnote of the plaint, situated at Shawye Pela Khel, Mir Kalam Khel. The respondents/defendants contested the suit by submitting written statement. Both the parties submitted their respective list of witnesses and recorded their evidence whereafter the petitioners submitted their application for production of remaining defendants for recording their statements and affording the opportunity of cross examination by the petitioners. The application was contested by the respondents and it was rejected by the learned trial Court through his impugned order.

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		I have heard learned counsel for the parties and perused the record. The petitioners have alleged in the present as well as in another Civil Suit No. 44/1 of 2025 instituted against NADRA and the respondent No. 1 as defendant No. 2 that her father Mirza Khan was having no male issues, therefore, the respondent No. 1 registered the petitioner No. 2 Mst. Subidara as his sister and daughter of Sarbaz Khan in order to grab the suit property. The respondent No. 1, while appearing in the said Civil Suit No. 44/1 of 2025 submitted his 'no objection' on the correction of record in favour of the petitioner No. 2 by NADRA. Though the opposite party cannot be compelled to produce their witnesses against their will, but the court has the discretion to allow such summoning to ensure the trial is fair and just, avoiding technicalities. The peculiar circumstances of the present case mandate the appearance of the respondent No. 1 in the witness box who is to be subjected to cross examination to show the reason of registration of the daughter of Mirza Khan (petitioner No. 2) with their family in the record of NADRA. This may assist the trial Court in just conclusion of the case. Resultantly, the revision petition is accepted and the impugned order is set aside. The respondents are directed to produce respondent No. 1 before the trial Court for recording his statement. Copy of this order be sent to the trial Court for information and compliance. File of this Court be consigned to record room after its necessary completion and compilation. <u>Announced:</u> 31.08.2026  (HAQ NAWAZ) District Judge, Orakzai at Baber Mela