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IN THE COURT OF IJAZ MAHSOOD,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No.....1/1 of 2026

Date of Institution:02.01.2026

Date of Decision:05.09.2026

Rasool Badshah S/O Gul Meen Shah R/O Qaum Rabia Khel,
Tappa Payo Khel, Saifal Dara, Tehsil Upper, District Orakzai
..... (Plaintiff)

VERSUS

Mir Abbas S/O Jara Baz, Mohala Awan R/O Tajori, District Laki
Marwat.
..... (Defendant)

SUIT FOR RECOVERY OF Rs.21,301,898/-.

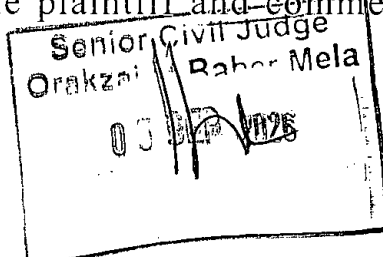
EX-PARTE JUDGEMENT:

05.09.2026

This order is to decide instant suit filed by the plaintiff, namely **Mr. Rasool Badshah s/o Gul Meen Shah**, against **Mr. Mir Abbas S/O Jara Baz** seeking recovery of an amount of **Rs.21,301,898/-**. (Twenty-one million three hundred one thousand eight hundred ninety-eight rupees only).

Pleadings:

The matter as recounted in the plaint reads that plaintiff has filed the instant suit against the defendant for recovery of Rs.21,301,898/-. It is averred that pursuant to Iqrar Namas dated 14.10.2021 and 01.12.2021, the defendant entered into partnership with the plaintiff and commenced work on the

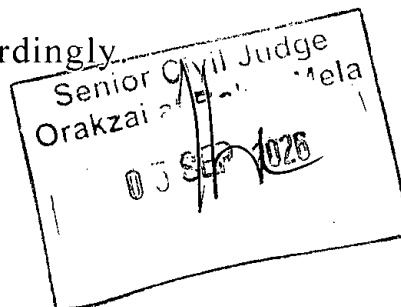


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road project. The plaintiff arranged accommodation for the defendant in District Orakzai and Hangu and, during the course of the work, plaintiff purchased a Crush Plant and Generator. It is further averred that the defendant submitted weekly progress reports to the plaintiff in the presence of witnesses, and the relevant expense register entries from page Nos. 01 to 16, covering the period from 15.10.2021 to 30.10.2022, were annexed with the plaint.

The plaintiff further alleges that the defendant disappeared overnight after taking away the aforesaid belongings/equipment. Consequently, the plaintiff lodged FIR No. 10 under Section 406 PPC against the defendant on the allegations of cheating and misappropriation. It is further stated that the defendant is still absconding in the said criminal case. Despite repeated demands, the defendant allegedly failed to acknowledge and satisfy the plaintiff's lawful claim, compelling the plaintiff to institute the present suit for recovery.

The defendant was summoned who did not appear before the court. Resultantly, he was placed and proceeded against ex-parte vide order dated: 01.04.2026. Thereafter; plaintiff was allowed to produce his ex-parte evidence. List of witnesses was submitted accordingly.

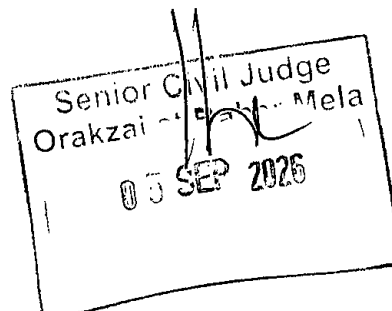


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Witnesses/Exhibits:

Mr. Asif Khan S/o Mahmeen Gul, took the stand as PW-01, Mr. Hameed Ullah s/o Hanfi Jan, took the stand as PW-02, Abid Ullah s/o Muhammad Ghani took the stand as PW-03, Mr. Jaffar Khan s/o Tali Badshah took the stand as PW-04 and Mr. Rasool Badshah, the plaintiff himself took the stand as PW-05. They have exhibited the following documents;

- i. Copy of CNIC of PW-01 as Ex.PW-1/1.
- ii. Copy of CNIC of PW-02 as Ex.PW-2/1.
- iii. Copy of CNIC of PW-03 as Ex.PW-3/1.
- iv. Copy of CNIC of PW-04 as Ex.PW-4/1.
- v. Agreement of construction of road as Ex.PW-5/1.
- vi. Copy of partnership as Ex.PW-5/2.
- vii. Copy of expenses of Crush Plant as Ex.PW-5/3.
- viii. Copy of Iqrar Nama as Ex.PW-5/4.
- ix. Agreement dated 30.10.2022 as Ex.PW-5/5 (consist of 03 pages).
- x. Agreement of Rs. 6450000/- as Ex.PW-5/6.
- xi. Copy of Bill as Ex.PW-7/1(consist of 06 pages).
- xii. Copy of FIR as Ex.PW-5/8.



xiii. Progress report of collection financial report as Ex.PW-5/9.

xiv. Receipt of purchased generator as Ex.PW-5/10.

Thereafter, evidence of plaintiff was closed and ex-parte arguments heard.

Reasoning:

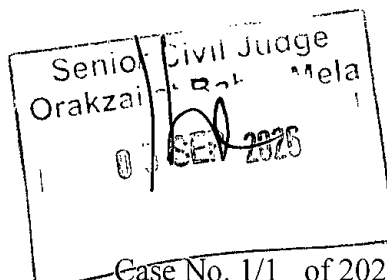
The matter was tried ex-parte. There is nothing in rebuttal of the claim or refutation of the evidence.

The law recommends that the standard of balance of probabilities or preponderance of evidence be adopted while adjudicating on civil matters.

Mr. Asif Khan and Mr. Hamid Ullah, the first two witnesses for plaintiff, concede their signatures on the agreement deeds, and the receipts. They agree on the veracity of the claim, and testify that all the payments claimed by the plaintiff were made in their presence.

Plaintiff himself appeared and took the witness stand as PW-05. He reiterates the position in the plaint, and further adds that total dues outstanding against the respondent are Rs. 1,87,32,168/-. He prays for recovery of the amount.

Clearly, civil litigation proceeds on the principle of preponderance of evidence: a side with 51% favourable



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evidence succeeds. Both witnesses on the alleged agreements have testified in favour of the plaintiff. Plaintiff himself have endorsed the claim. In these circumstances, when there is nothing in rebuttal of the plea, or refutation of the evidence, the court is inclined to hold in favour of the plaintiff.

Relief:

Claim of the plaintiff to the extent of recovery of amount Rs. 1,87,32168/- is admitted. Rest of the prayers are dismissed as unproved. Case file be consigned to the record room after its necessary completion and compilation.

Announced
05.09.2026


Ijaz Mahsood)
Senior Civil Judge,
Orakzai (at Baber Mela)

CERTIFICATE

Certified that this judgment of mine consists of five (05) pages, each has been checked, corrected where necessary and signed by me.


(Ijaz Mahsood)
Senior Civil Judge,
Orakzai at (Baber Mela)