

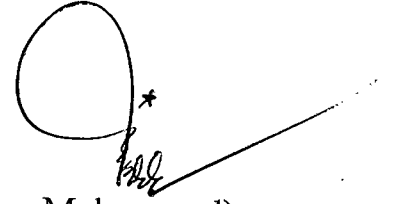
08.11.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted.

Learned Additional Advocate General requested for time to contact the respondent for submission of reply/comment. Last opportunity is granted. Adjourned. To come for reply/comments before the SB on 6.12.2022.

SCANNED  
KPST  
Peshawar

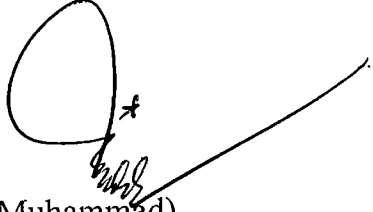


(Mian Muhammad)  
Member (E)

26.09.2022

Appellant in person present. Mr. Kabirullah Khattak,  
Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents not  
submitted. Learned Additional Advocate General seeks time  
to contact the respondents for submission of reply/comments.  
Adjourned. To come up for reply/comments on 25.10.2022  
before S.B.




(Mian Muhammad)  
Member (E)

25<sup>th</sup> Oct., 2022

Counsel for the appellant present. Mr. Naseerud Din  
Shah, Assistant Advocate General for the respondents  
present.

Respondents have not submitted reply/comments.  
Learned Assistant Advocate General sought adjournment  
in order to contact the respondents and submit  
reply/comments. Granted. To come up for reply/comments  
on 08.11.2022 before S.B.



(Fareeha Paul)  
Member(E)

16<sup>th</sup> June, 2022

Learned counsel for the appellant present.

This appeal is against the order dated 17.02.2022, whereby the appellant was compulsorily retired from service, against which he filed departmental appeal on 02.03.2022 and waited for 90 days waiting period. When he did not receive response from the department, he filed this appeal within next 30 days which is within time and is admitted to full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 04.08.2022 before S.B.

Rs-600/-  
Appellant Deposited  
Security & Process Fee

A. Arshad Khan  
20/06/22




**(Kalim Arshad Khan)**  
**Chairman**

04.08.2022

Appellant present in person. Mr. Kabir Ullah Khattak,  
Additional Advocate General for respondents present.

Written reply not submitted. Learned Additional AG  
seeks time for submission of written reply. Adjourned. To  
come up for written reply/comments on 26.09.2022 before S.B.






(Fareeha Paul)  
Member (E)

Form- A

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 913/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/06/2022	<p>The appeal of Mr. Mujahid Ali presented today by Mr. Amjad Ali Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR </p>
2-	15-6-22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>16-6-2022</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE HONORABLE KHYI ER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 913 /2022

**Mujahid Ali (Ex Senior Clerk/Reader CJ XVII Peshawar)**  
**S/O Muhammad Yousaf R/O Mohallah Mama Khel, Kalu**  
**Khan Tehsil Razzar District Swab.**

.....Appellant

Versus

**District and Session Judge Peshawar at Judicial Complex**  
**Peshawar and other**

.....Respondents

**INDEX**

S.No	Description of Documents	Annexure	Page
1	Service Appeal along with affidavit		1-10
2	Application to this Honorable Tribunal for forensic examination of handwriting of the alleged entry made in the Faisala Bahi register		11-12
3	Copy of the appointment order dated 13/05/1999	A	13
4	Copy of the promotion order dated 27/09/2001	B	14
5	Copy of the promotion order dated 09/09/2002	C	15
6	Copy of the promotion order dated 09/07/2010	D	16
7	Copy of the B.A degree	E	17-18
8	Copy of the probe finding inquiry proceedings and report	F	19-123
9	Copy of the charge sheet along with statement of allegation	G	124-125
10	Copy of the reply dated 06/10/2021	H	126-128
11	Copy of the relevant page dated 02/02/2020 of the Faisala Bahi register	I	129-142
12	Copy of the show cause notice and reply to show cause	J	143-145
13	Copy of the inquiry proceedings and report of Senior Civil Judge	K	146-249
14	Copy of fake and bogus decree and order sheets and case file along with execution file	L	250-261
15	Copy of affidavit	M	262

16	Copy of the departmental appeal dated 02/03/2022 which is received vide diary no 299 dated 03/03/2022	N	263-267
17	Copy of forwarding letter dated 04/03/2022	O	270
18	Copy of the application dated 02/03/2022 to appellate authority to conduct forensic examination of handwriting	P	271-273
19	Copy of judgment reported in 2006 SCMR 60	Q	274-276
20	Copy of the inquiry proceedings in the case of Moharrir/Naib Nazir	R	277-392
21	Wakalat Nama		393

  
Appellant

Through

  
Amjad Ali (Mardan)  
Advocate  
Supreme Court

Dated: 13/06/2022

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 913 /2022

**Mujahid Ali (Ex Senior Clerk/Reader CJ XVII Peshawar)**  
**S/O Muhammad Yousaf R/O Mohallah Mama Khel, Kalu**  
**Khan Tehsil Razzar District Swabi**

.....Appellant

Versus

1. District and Session Judge Peshawar at Judicial Complex Peshawar
2. Registrar Peshawar High Court Peshawar at Peshawar High Court Peshawar
3. Appellate authority (Senior Justice Judge Peshawar High Court Peshawar) through Registrar Peshawar High Court Peshawar at Peshawar High Court Peshawar
4. Peshawar High Court Peshawar through Registrar at Peshawar High Court Peshawar

.....Respondents

**Subject: Service Appeal under section 4 of the KP Service Tribunal Act 1974 against the order dated 17/02/2022 passed by Learned District and Session Judge Peshawar wherein appellant has been compulsorily retired from service which is illegal against law and facts.**

---

**PRAYER: On acceptance of this service appeal, impugned order dated 17/02/2022 passed by District and Session Judge Peshawar wherein appellant has been compulsorily retired from service may please be set aside and appellant may please be reinstated in service with all back benefits.**

---

Respected Sir,

**Appellant humbly submits as under:**

1. That appellant was appointed as Chowkidar (BPS-1) vide appointment order dated 13/05/1999 (Copy of the appointment order dated 13/05/1999 is attached as Annexure A)

- (7)
2. That appellant was promoted to the post of Naib Qasid vide order dated 27/09/2001 (**Copy of the promotion order dated 27/09/2001 is attached as Annexure B**)
  3. That appellant was promoted to the post of Junior Clerk (BPS-5) vide promotion order dated 09/09/2002 (**Copy of the promotion order dated 09/09/2002 is attached as Annexure C**)
  4. That appellant was promoted to the post of Senior Clerk (BPS-9) vide order dated 09/07/2010 (**Copy of the promotion order dated 09/07/2010 is attached as Annexure D**)
  5. That the post of Senior Clerk was upgraded from BPS-9 to BPS-14 in the year 2012-13 and was performing duty as reader to Civil Judge XVII Feshawar.
  6. That appellant is B.A (Bachelor of Arts) qualified from Abdul Wali Khan University Mardan (**Copy of the B.A degree is attached as Annexure E**)
  7. That the findings of the Learned Additional District Judge namely Sajid Khan as a probe-finding inquiry with respect to appellant is limited to negligence which too is illegal against law and facts as at the back of the appellant (**Copy of the probe finding inquiry report is attached as Annexure F**)
  8. That appellant was charge sheeted along with statement of allegation on 01/10/2021 for inefficiency/misconduct (**Copy of the charge sheet**



along with statement of allegation is attached as Annexure G)

9. That appellant properly replied the same on 06/10/2021 (Copy of the reply dated 06/10/2021 is attached as Annexure H)
10. That the allegation against the appellant is entry in the Faisala Bahi register of the fake decree titled as Mst Sabiha and other versus Assistant Director Land, DHA and others.
11. That appellant denied the same and asserted that the register is not in the exclusive custody of the appellant but remains in the Court room in open cupboard without lock and key and accessible to every official of the Court.
12. That the entry at the bottom on 02/02/2020 regarding the fake decree has been made by someone wherein the last column has been further divided into two and thus the squares of this row are smaller than the preceding one (Copy of the relevant page dated 02/02/2020 of the Faisala Bahi register is attached as Annexure I)
13. That the handwriting of entry of the fake decree is different than that of the handwriting of the appellant with respect to the remaining entries in the register.
14. That the fake entry may have been made by the scrupulous hands much later than the date of decree most probably held guilty and dismissed from service

by the Senior Civil Judge (Admin) i.e. Muharrir/Naib Nazir of the Court. (4)

15. That as the entry has been made clandestinely and it never came into my notice as the guilty hands had effected the entry whenever they got the opportunity.
16. That as a matter of fact, the working relationship of the Court is based on confidence in between the Court staff and the register cannot be kept in the exclusive custody of the reader.
17. That it is human for the reader to leave his seat for attending bathroom, tea-break, lunch break and prayer break.
18. That the opening and locking of the door of the Court is the responsibility of the Naib Qasid concerned.
19. That inquiry has been conducted at the back of the appellant.
20. That similarly appellant has not been confronted with any of the document and the appellant has not been given any opportunity to cross examine any witness.
21. That a show cause notice was issued to the appellant which was properly replied by the appellant **(Copy of the show cause notice and reply to show cause are attached as Annexure J)**
22. That neither appellant has been charged for making entry of bogus decree with deliberate evil/malafide intention nor the same has been proved.

(5)

23. That appellant has been charged only for inefficiency and misconduct.

24. That neither appellant has been associated with the inquiry nor any witness has been examined in front of the appellant. **(Copy of the inquiry report of Senior Civil Judge is attached as Annexure K)**

25. That the finding of inquiry by the Learned Senior Civil Judge Peshawar wherein he has concurred with the finding of the fact-finding inquiry officer mentioned above is also limited to negligence which too is illegal against law and facts.

26. That appellant has rendered 22 years satisfactory service wherein neither any show cause notice nor any warning has been issued to the appellant and has earned good ACRs throughout.

27. That the entire record shows that the decree is fake and bogus and with malafide designs, the execution has been filed much later after 10 months i.e on 11/12/2020 so that no one should notice the same. **(Copy of fake and bogus decree and order sheets and case file along with execution file is attached as Annexure L)**

28. That appellant reiterated and affirmed on oath before the appellate authority that appellant has never noticed the entry of the bogus decree and the moment, it came into the notice of the appellant, appellant immediately orally informed the Presiding Officer namely Mr Rafaqat Zahoor (Civil Judge XVII Peshawar) as well as

(5)

Mr Justice Younas Khan (the then District and Session Judge Peshawar) and appellant submitted an affidavit to this effect with the Departmental appeal (**Copy of affidavit is attached as Annexure M**)

29. That appellant has been compulsorily retired vide order dated 17/02/2022 passed by the Learned District and Session Judge Peshawar which is illegal against law and facts and liable to be set aside.
30. That appellant filed a departmental appeal dated 02/03/2022 before the Honorable Senior Puisne Judge Peshawar High Court Peshawar which is received vide diary no 299 dated 03/03/2022 and forwarded by the respondent no 1 to respondent no 2 vide letter dated 04/03/2022 which remained un-responded (**Copy of the departmental appeal dated 02/03/2022 which is received vide diary no 299 dated 03/03/2022 is attached as Annexure N & Copy of forwarding letter dated 04/03/2022 is attached as Annexure O**)
31. That appellant along with the departmental appeal filed a separate application dated 02/03/2022 to conduct forensic examination through handwriting expert of alleged entry in Faisala Fahi register which also remained un-responded (**Copy of the application dated 02/03/2022 to appellate authority conduct forensic examination of handwriting is attached as Annexure P**)
32. That the impugned order dated 17/02/2022 passed by the Learned District and Session Judge Peshawar is illegal against law and facts on the following grounds:

**GROUND:**

(7)

- A. Because appellant is innocent and falsely charged.
- B. Because as per inquiry report, appellant has not been held guilty for misconduct and inefficiency.
- C. Because the inquiry officer has held that appellant is guilty of negligence and the impugned penalty of compulsory retirement does not commensurate with the charge as consistently held by the Honorable Supreme Court of Pakistan reported in 2006 SCMR 60. **(Copy of the judgment reported in 2006 SCMR 60 is attached as Annexure Q)**
- D. Because the Honorable Supreme Court of Pakistan has held that major penalty cannot be imposed for the charge of negligence.
- E. Because the handwriting of Moharrir/Naib Nazir in Ex CW-8/2 resembles with that of entry in Faisala Bahi register and therefore the alleged entry has been made by the Moharrir/Naib Nazir and to this effect, the present appellant is filing separate application with this Departmental appeal for forensic examination of the handwriting in Ex CW-8/2 as well as Faisala Bahi register.
- F. Because even the charge of negligence is not proved as the Learned Senior Civil Judge has recorded his finding as inquiry officer that the register Faisala Bahi doesn't remain in the exclusive custody of the reader but it goes into different hands of different Court officials.
- G. Because the appellant has specifically asserted in Para No

2 of the reply to charge sheet that the entries made in the register be sent to handwriting expert/Forensic Science Laboratory but the Learned inquiry officer failed to send the alleged entry made in the register to expert. (2)

- H. Because the Learned inquiry officer has failed to arrive at the conclusion as to who has committed the act of entry of fake decree in the Faisala Bahi register.
- I. Because the appellant even along with the departmental appeal requested for forensic examination of the handwriting of the alleged entries which is not decided which is illegal against law and facts.
- J. Because as per statement recorded by Inquiry officer, Qaiser (Reader to Senior Civil Judge Peshawar) has endorsed the fact that there is no entry made in the marking register of the Senior Civil Judge (Judicial) Peshawar.
- K. Because the mode and manner under which the entry has been effected in the Faisala Bahi register while squeezing the last row by dividing into two halves by itself speaks of the fact that it can't be entered by the appellant but the evil doers have effected the entry in a hurried manner by creating an extra row. Moreover, no **serial number** has been given to the said entry and the date of judgment is wrongly written as **2002 instead of 2020** which fortifies the fact that the entry has been made in a hurried manner by the evil doer.
- L. Because the cause lists and Peshi register is maintained by the reader (appellant) and there is no entry in the cause list as well as Peshi register. Moreover, the appellant has completed computer training of the software developed

by District Judiciary. There is no entry in the computer software maintained by the appellant. (4)

M. Because it was the boundened duty of the inquiry officer to give finding beyond any shadow of doubt as to who has entered the fake/bogus entry.

N. Because appellant has been made a scapegoat.

O. Because there is neither any allegation upon the appellant nor its proof that appellant is in connivance with the beneficiary or has any relationship with the beneficiary fake decree holder.

P. Because in such type of cases, the charge must be specific like criminal cases and must be strictly proved.

Q. Because the connected inquiry against the Moharrir/Naib Nazir wherein ultimately they have been inflicted with a more severe penalty of dismissal from service speaks of the fact that they were involved in making the entry. **(Copy of the inquiry proceedings in the case of Moharrir is attached as Annexure R)**

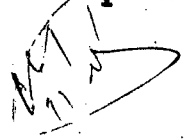
R. Because neither the Presiding Officer of the Court nor the KPO nor the stenotypist nor the Naib Qasid has been penalized.

S. Because as per rules, all the accuseds should have been jointly tried but separate inquiries in the cases is illegal against law and facts.

T. Because appellant is jobless and entitled for back benefits.

(10)

It is therefore humbly prayed that on acceptance of this service appeal, impugned order dated 17/02/2022 passed by Learned District and Session Judge Peshawar wherein appellant has been compulsorily retired from service may please be set aside and appellant may please be reinstated in service with all back benefits.



**Appellant**



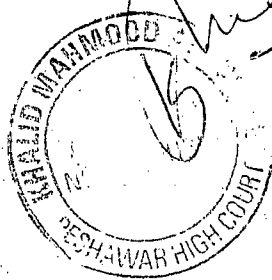
**Through**

**Amjad Ali (Mardan)  
Advocate  
Supreme Court**

**Dated: 13/06/2022**

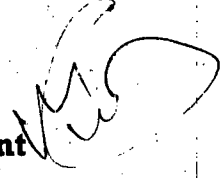
**AFFIDAVIT**

I, **Mujahid Ali (Ex- Senior Clerk/Reader CJ XVII Peshawar) S/O Muhammad Yousaf R/O Mohallah Mama Khel, Kalu Khan Tehsil Razzar District Swabi (appellant)**, do hereby solemnly affirm and verify on oath that the contents of the **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



13-06-22

**Deponent**





(11)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

CM No \_\_\_\_\_ /2022

IN

Service Appeal No. \_\_\_\_\_ /2022

**Mujahid Ali (Ex Senior Clerk/Reader CJ XVII Peshawar)**  
**S/O Muhammad Yousaf R/O Moinallah Mama Khel, Kalu**  
**Khan Tehsil Razzar District Swabi**

.....Appellant/Applicant

**Versus**

**District and Session Judge Peshawar at Judicial Complex**  
**Peshawar and other**

.....Respondents

---


***Subject: Application for forensic examination through  
handwriting expert of alleged entry made in  
Faisala Bahi register***

**Respected Sir,**


**Applicant humbly submits as under:**

1. That the aforementioned service appeal is filed today.
2. That despite request of the appellant, the Learned Inquiry Officer failed to conduct forensic examination of the entry made in the Faisala Bahi register and also restrained himself from giving findings as to in whose handwriting, the entry has been made.
3. That even despite written application to the appellate authority to conduct forensic examination of the handwriting, the appellate authority didn't pass any order on the application of the present appellant.
4. That the appellant/applicant has not made the entry in the Faisala Bahi register and therefore it is essential to conduct forensic examination through handwriting expert.
5. That applicant requests that handwriting samples be taken from all persons made part of inquiry and sent to the handwriting expert.

(12)  
It is therefore humbly requested that handwriting samples be taken from all persons made part of the inquiry and sent to the handwriting expert for forensic examination of handwriting of the alleged entry made in the Faisala Bahi register.

  
Appellant/Applicant

Through

  
Amjad Ali (I-Iardan)  
Advocate  
Supreme Court

Dated: 13/06/2022

**AFFIDAVIT**

I, Mujahid Ali (Ex- Senior Clerk/Reader CJ XVII Peshawar) S/O Muhammad Yousaf R/O Mohallah Tama Khel, Kalu Khan Tehsil Razzar District Swabi (appellant), do hereby solemnly affirm and verify on oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



  
Deponent

Aux. A

13

OFFICE OF THE SENIOR CIVIL JUDGE, PESHAWAR.

Dated Peshawar, the 15th May, 1999.

ORDER

Consequent upon the vacancy of Chowkidar caused due to termination from service of Mr. Khalig Khan, Chowkidar attached to the Court/Office of Senior Civil Judge, Peshawar, Mr. Mujahid Ali s/o Muhammad Yousaf r/o Village Kalu Khan Mohallah Mama Khail, Tehsil and District Swabi (candidate), is hereby appointed and posted as Chowkidar in the Court/Office of Senior Civil Judge, Peshawar, in BPS-1(1245-35-1770), with effect from 13-5-1999, on para temporary basis, subject to medical fitness/educational qualification.

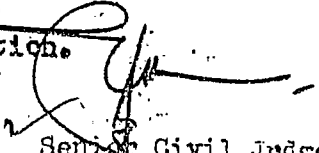
*El/aaa*  
Senior Civil Judge,  
Peshawar.

No. 430-48/SCJ, Dated Peshawar, the 13-5/1999.

Copy forwarded to :-

- 1.- The Accountant General, MFP, Peshawar.
- 2.- Mr. Mujahid Ali, Chowkidar,

for information and necessary action.

  
Senior Civil Judge,  
Peshawar.  
Senior Civil Judge  
Peshawar

Ann-B

(14)

OFFICE OF THE SENIOR CIVIL JUDGE, PESHAWAR.

Dated Peshawar, the 27th September, 2001.

O R D E R

The following positions and transfers of the officials concerned are hereby ordered in the public interest, with immediate effect.

1. Munif Khan, Naib Qasid attached to the Court of Senior Civil Judge, Peshawar, is hereby transferred and posted as Naib Qasid, in the Court of Mr. Muhammad Azam Khan, Civil Judge/Judicial Magistrate, Peshawar, in his own BPS, vice No. 3.
2. Muhammad Azad, Naib Qasid attached to the Court of Mr. Muhammad Azam Khan, Civil Judge/Judicial Magistrate, Peshawar, is hereby transferred and posted as Naib Qasid, in the Court of Senior Civil Judge, Peshawar, in his own BPS, vice No. 1.
3. Mujahid Ali, Naib Qasid attached to the Court of Senior Civil Judge, Peshawar, is hereby transferred and posted as Naib Qasid, in the Court of Miss. Sadia Andaleeb, Civil Judge/Judicial Magistrate, Peshawar, in his own BPS, vice No. 4.
4. Zikriya Khan, Naib Qasid attached to the Court of Miss. Sadia Andaleeb, Civil Judge/Judicial Magistrate, Peshawar, is hereby transferred and posted as Naib Qasid, in the Court of (vacant), Civil Judge/Judicial Magistrate, Peshawar, in his own BPS, vice No. 5.
5. Suhail Khan, Naib Qasid attached to the Court of (vacant), Civil Judge/Judicial Magistrate, Peshawar, is hereby transferred and posted as Naib Qasid, in the Court of Mr. Azimullah Jan Mishwani, Civil Judge/Judicial Magistrate, Peshawar, in his own BPS, vice No. 6.
6. Fazle Halcom, Naib Qasid attached to the Court of Mr. Azimullah Jan Mishwani, Civil Judge/Judicial Magistrate, Peshawar, is hereby transferred and posted as Naib Qasid, in the Court of Senior Civil Judge, Peshawar, in his own BPS, vice No. 2.

*Sd/- Azam*  
Senior Civil Judge,  
Peshawar.

No. 27-283 / SOJ, Dated Peshawar, the 27 / 9 / 2001.

Copy forwarded to:-

1. - Mr. Muhammad Azam Khan, Civil Judge/Judicial Magistrate, Peshawar.
2. - Miss. Sadia Andaleeb, Civil Judge/Judicial Magistrate, Peshawar.
3. - Mr. Azimullah Jan Mishwani, Civil Judge/Judicial Magistrate, Peshawar.
4. - The Civil Judge/Judicial Magistrate, Peshawar (vacant), for information and necessary action please.

*[Signature]*  
Senior Civil Judge,  
Peshawar.

7  
Aux-C

(15)

OFFICE OF THE DISTRICT AND SESSIONS JUDGE, PESHAWAR.

Dated 9.9.2002

O R D E R.

On the recommendation of Departmental Promotion Committee dated 9.9.2002, the competent authority is pleased to order the following promotions and postings in the interest of public service with immediate effect:

1. Mr. Niaz Karam, Naib Qasid promoted as Junior Clerk in BS-5 and posted as Muharrir in the Court of Additional District and Sessions Judge-VII, Peshawar against the newly created post.
2. Mr. Muhabib Ali, Naib Qasid promoted as Junior Clerk in BS-5 and posted as Muharrir in the Court of Mr. Ajmal Tahir, Civil Judge-XIV, Peshawar against the newly created post.
3. Mr. Muhammad Khalid, Naib Qasid promoted as Junior Clerk in BS-5 and posted as Muharrir in the Court of Mr. Adil Mir, Civil Judge-XV, Peshawar against the newly created post.

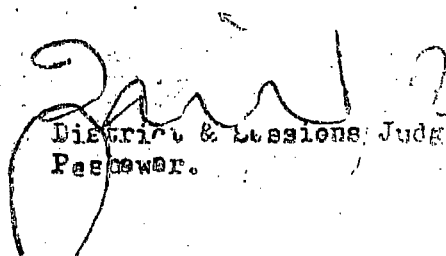
District & Sessions Judge,  
Peshawar.

Encl. No. 2662-72 / Dated Peshawar the 9/9/2002.

Copy forwarded for information and necessary action

to:-

1. The Registrar, Peshawar High Court, Peshawar.
2. The Senior Civil Judge, Peshawar.
3. Mr. Ikram Ullah Khan Addl. District & Sessions Judge-VII, Peshawar.
4. Mr. Ajmal Tahir, Civil Judge-XIV, Peshawar.
5. Mr. Adil Mir, Civil Judge-XV, Peshawar.
6. Accountant General NWFP, Peshawar.
7. Assistant/Assistant Clerk of Court of this office.
8. Assistant/Accountant of this office.
9. All the concerned officials.

  
District & Sessions Judge  
Peshawar.

Aux-D

16

**OFFICE OF THE DISTRICT AND SESSIONS JUDGE PESHAWAR**

Dated 9th July, 2010

**OFFICE ORDER**

On the recommendation of Departmental Promotion Committee dated 06/07/2010, the competent authority is pleased to order the promotion of following Junior Clerks (BPS-7) to the post of Senior Clerk (BPS-9), in the interest of public service, with immediate effect:

S#	Name of official	Promoted to
1.	Mr. Muhammad Sareer	Senior Clerk (BPS-9)
2.	Mr. Saleem Khan	Senior Clerk (BPS-9)
3.	Mr. Zulfiqar Khan	Senior Clerk (BPS-9)
4.	Mr. Muhammad Zafar Qureshi	Senior Clerk (BPS-9)
5.	Mr. Amjad Ali Khan Shinwari	Senior Clerk (BPS-9)
6.	Mr. Shakeel Iqbal	Senior Clerk (BPS-9)
7.	Mr. Haidar Ali	Senior Clerk (BPS-9)
8.	Mr. Shahid Hameed	Senior Clerk (BPS-9)
9.	Mr. Mubeen Khan	Senior Clerk (BPS-9)
10.	Mr. Shakeel Ahmad	Senior Clerk (BPS-9)
11.	Mr. Asad Ali	Senior Clerk (BPS-9)
12.	Mr. Saif Ullah	Senior Clerk (BPS-9)
13.	Mr. Muhammad Qayum	Senior Clerk (BPS-9)
14.	Mr. Muhammad Dawood	Senior Clerk (BPS-9)
15.	Mr. Muhammad Ijaz	Senior Clerk (BPS-9)
16.	Mr. Mujahid Ali	Senior Clerk (BPS-9)
17.	Mr. Zain-ul-Abid Din	Senior Clerk (BPS-9)
18.	Mr. Niaz Karam	Senior Clerk (BPS-9)
19.	Mr. Muhammad Khalid	Senior Clerk (BPS-9)
20.	Mr. Naheed-Ur-Rehman	Senior Clerk (BPS-9)
21.	Mr. Tariq Hanan	Senior Clerk (BPS-9)

District & Sessions Judge,  
Peshawar.

No. 85 (PS) 3974-23 Dated Peshawar, the 29/07/2010

Copy forwarded for information and necessary action to:-

1. The Registrar, Peshawar High Court, Peshawar.
2. The Accountant General, Ferozpur, Peshawar.
3. Syed Anees Badshah Bukhari, A.C. Member Inspection Team-II, Peshawar High Court, Peshawar.
4. The Senior Civil Judge, Peshawar.
5. The Accountant, Sessions Court, Peshawar.
6. The A.C. Sessions Court, Peshawar.
7. The COE, Office of the Senior Civil Judge, Peshawar.
8. All the officials concerned by and to.

District & Sessions Judge,  
Peshawar.

Ann-E

(17)

Serial No. 003777

# Abdul Wali Khan University Mardan



Reg No. 13-AU-PS-6598  
Roll No. 59923

Session Annual 2013-14

The University in recognition of the attainment of prescribed requirements has awarded

Mr. MUJAHID ALI S/O Mr. MUHAMMAD YOUSAF

The Degree of

## BACHELOR OF ARTS

Together with all honors, rights and privileges belonging to the degree.

In witness whereof this degree is granted.

Masat  
Controller of Examinations

JK  
Registrar



Mushtaq  
Vice Chancellor

Result Declaration Date. 25-10-2018

Ann-E  
(E)

18



# ABDUL WALI KHAN UNIVERSITY MARDAN

## DETAILED MARKS CERTIFICATE No: 22105 093667

### BA ANNUAL 2018

Roll No: 59923 Registration No: 13-AU-PS-6598  
Student's Name MUJAHID ALI Father's Name: MUHAMMAD YOUSAF  
Institution/District: Swabi Part: Second

Course Name	Maximum Marks	Marks Obtained	Marks In Words	Remarks
1. Part 1 Marks	285	109	One hundred & Nine	Pass
2. English Compulsory	75	25	Twenty-Five	Pass
3. Pakistan Studies	40	20	Twenty	Pass
4. Islamic Studies	75	36	Thirty-Six	Pass
5. Pashto	75	41	Forty-one	Pass
<b>Total</b>	<b>550</b>	<b>231</b>		

Percentage 42.00 %

Division Third

NOTE:  
Failure in THREE or more than THREE subjects means total failure, thus the candidate has to reappear in all the subjects.

Prepared/Checked by: Computer Cell AWKUM

Errors and omissions are subject to subsequent rectification.  
Any mistake in Name, Father Name etc must be intimated within 30 days of the issuance date of this certificate.

Controller of Examinations  
AWKUM  
25-Oct-18

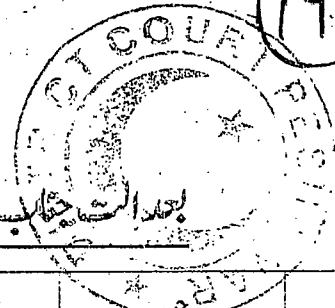


Ann-F

19

انڈیکس

بعدالت چٹاب اشفاق تاج ڈسٹرکٹ اینڈ سیشن جج، پشاور



نمبر مقدمہ	اصل رجوعی	فیصلہ	قطعات	مختصر حکم عدالت
19	09-04-2021	09-04-2021	06-07-2021	121

انکوائری بی بی محراب علی ریڈر و قیصر خان قریب نورانی قریب نورانی انتہائی سیکرٹری جج پشاور

انکوائری بی بی محراب علی ریڈر و قیصر خان قریب نورانی قریب نورانی انتہائی سیکرٹری جج پشاور

نمبر شمار	قطعہ نمبر	تعداد قطعات	نوعیت کاغذات
			بت "الف"
	1/2	02	بت "الف"
	03/12	10	بت "الف"
	13/14	02	بت "الف"
	15/24	10	بت "الف"
	25/31	07	بت "الف"
	32/37	06	بت "الف"
	38/42	05	بت "الف"
	43/66	24	بت "الف"
	67/119	53	بت "الف"
	120/121	02	بت "الف"
			بت "ب" کے کل قطعے داغ و تہ شد
			جگہ کل ہذا کے کل قطعے داغ و تہ شد

Court signed

Superintendent District & Sessions Court, Peshawar

ATTESTED

(Examiner) District Court Peshawar

دستخط قریب نورانی انتہائی سیکرٹری جج پشاور



The PESHAWAR HIGH COURT Peshawar

All communications should be addressed to the Registrar Peshawar High Court, Peshawar and not to any official by name.

Exch: 9210149-58 Off: 9210135 Fax: 9210170

www.peshawarhighcourt.gov.pk info@peshawarhighcourt.gov.pk phcpsh@gmail.com

No. 397 /MIT

Dated Peshawar the 06/04/2021

To The District & Sessions Judge, Peshawar.

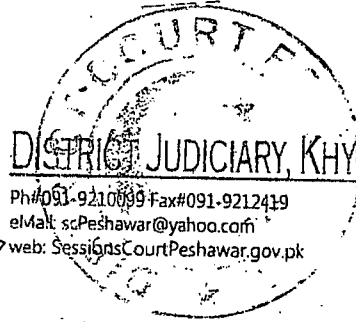
CONFIDENTIAL

SUBJECT:- JUDGMENT DATED 02.02.2019 IN CIVIL SUIT # 141/A OF 2019 TITLED "MST. SAHIBA & OTHERS VERSUS ASSISTANT DIRECTOR LAND, DHA AND OTHERS" PERTAINING TO THE COURT OF MS. NOSHEEN NISAR CIVIL JUDGE-XVII PESHAWAR.

The matter of the subject judgment having been passed on the date falling on non-working day i.e. Sunday was brought into kind notice of Hon'ble the Chief Justice and his lordship was directed to look into the matter. After preliminary discreet probe and scrutiny of orders sheet as well as judgment, there is sufficient material to believe that not only the subject judgment but proceedings in the case resulting into the judgment seemingly suffer from intended variation necessitating an open inquiry. You are requested to get an open inquiry conducted in the following lines:-

- a. Comments of Ms. Nosheen Nisar, Civil Judge-XVII, Peshawar (wherever she is posted) may be obtained as to her knowledge of the proceedings and authenticity of her signatures on orders sheet particularly No. 09 onward and on the judgment and decree.
b. Who were the Reader, Steno typist, Computer Operator and Moharrir attached with the Court of Civil Judge-XVII, Peshawar in the eventful period and their statements may be recorded about the matter.
c. The statement of Process Server entrusted with the process of the case be recorded in light of his report on record, if available.
d. Mr. Fazal-e-Mola Tehsildar at DHA named as representative of defendants and shown present in various orders be examined as to authority of his attendance leading to ex-parte proceedings.
e. Any other statement as may be deemed appropriate for logical conclusion as to affixing of responsibility, it becomes expedient.

(A. IMAD SULTAN TAREEN) Member Inspection Team



DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Ph#091-9210099 Fax#091-9212419  
eMail: scPeshawar@yahoo.com  
web: SessionsCourtPeshawar.gov.pk

No. 2525-26  
Dated Peshawar 09/04/21

(21)

(K)

X

**OFFICE ORDER**

In compliance with the directions of August Peshawar High Court Peshawar, contained in letter No. 397/MIT dated 06/04/2021; Mr. Muhammad Sajid, learned Additional District & Sessions Judge-XIII, Peshawar is directed to conduct open inquiry into the matter, in line with the directions of August High Court, and submit report to this Office, at the earliest.

District & Sessions Judge,  
Peshawar. 09 APR 2021

(14)

No. 83(DAS) 2525-26 Dated Peshawar, the 09/04/2021

Copy forwarded for information/necessary action to:

1. The Member Inspection Team, Peshawar High Court, Peshawar.
2. The AD & SJ-XIII Peshawar/Inquiry Officer.

District & Sessions Judge,  
Peshawar. 09 APR 2021

**ATTESTED**

(20/04/21)

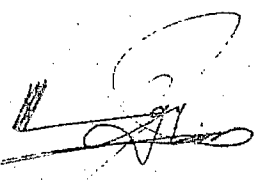
Examiner,  
District Court Peshawar

22

CW-1 Statement of Mr. Qaiser Khan Reader attached to the court of learned Senior Civil Judge, Judicial, Peshawar.

Stated on oath that I brought register of institution/markings of Suit etc for the year 2019 of the court of Hon'ble Senior Civil Judge, Judicial, Peshawar. The institution made in the court of Senior Civil Judge, Peshawar on 02.05.2019 did not contain the entry of suit titled "Mst: Saleeha etc Vs Assistant Director Land etc" in the relevant register. I produce the photostate copies of the relevant pages regarding institutions made on 02.05.2019 which are correct as per the original record and is Ex.CW1/1. Original register seen and returned.

RO&AC  
16/04/2021

  
Muhammad Sajid,  
ADJ-XIII Peshawar/Inquiry Officer.

ATTESTED  
16/04/2021  
Deputy Registrar  
District Court Peshawar

(23)

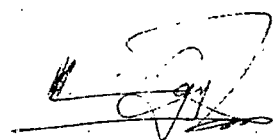
CW-2 Statement of Fazal E Moula S/O Fa. J Khan R/O Tahir Qila, Baila Baramd Khel Nahaqi, Tehsil & District, Peshawar (Qanoongo DHA, Peshawar).




Stated on oath that I am posted as Qanoongo Land Branch at DHA, Peshawar. I produced my CNIC and service card, the copies of which are Ex.CW2/1 and Ex.CW2/2. I have no knowledge regarding the proceedings and pendency of civil suit titled "Mst: Sabeeha etc Vs Assistant Director Land etc". I have never appeared and marked my attendance before the court of learned Civil Judge-III, Peshawar regarding the proceedings of above mentioned suit. In this regard I have also recorded my statement in department inquiry.

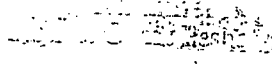
RO&AC  
21/05/2021

(1E)



Mahammad Sajid,  
ADJ-XIII, Peshawar/Inquiry Officer.



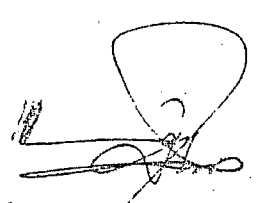


(24) ✓

CW-3 Statement of Hina Murtaza Procces Server. Peshawar [X]

Stated on oath that summon in case titled "Mst: Sabeeha etc Vs Assistant Director Land etc" was neither handed over to me for execution nor I serve the alleged summon issued for 17.10.2019. Today I have seen the summon issued for 17.10.2019 and the hand writing shown upon the over leaf of summon is not of mine. I write the same words, as mentioned report over the summon, in my own handwriting before the court which is Ex.CW/1.

RO&AC  
26/05/2021

  
Muhammad Sajid,  
ADJ-XIII Peshawar/Inquiry Officer. (17)

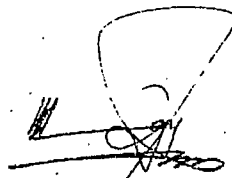
(17)

(25)

CW-4 Statement of Waqas Ahmad Process Server, Peshawar

Stated on oath that summon in case titled "Mst: Sabeeha etc Vs Assistant Director Land etc" was neither handed over to me for execution nor I serve the alleged summon issued for 11.06.2019. Today I have seen the summon issued for 11.06.2019 and the hand writing shown upon the over leaf of summon is not of mine. I write the same words, as mentioned report over the summon, in my own handwriting before the court which is Ex.CW- /1.

RO&AC  
26/05/2021



Muhammad Sajid,  
ADJ-XIII, Peshawar/Inquiry Officer.

(18)

ATTESTED

(Signature)  
Examiner,  
District Court Peshawar

9

(26)

28

CW-5 Statement of Sultan Ul Arifeen Naib Nazir attached to Senior Civil Judge, Peshawar

Stated on oath that I have brought register No.23. I produced the relevant pages regarding the entries of summons from 23.05.2019 to 17.10.2019 received from the court of learned Civil Judge-XVI, Peshawar, wherein there is no reference/entry of summons in case titled "Mst: Saicheha etc Vs Assistant Director Land etc". Original registers perused; found correct as per statement of witness and returned.

RO&AC  
28/05/2021

(19)

Muhammad Sajid,  
ADJ-XIII, Peshawar/Inquiry Officer.

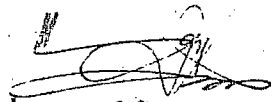
(21)



3  
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2  
CW-6 Statement of Muhammad Masood Khan Computer Operator presently attached to the learned Judge Family Court-IV, Peshawar.

Stated on oath that during the relevant days, I was posted as Computer Operator in the Court of learned Civil Judge-XVII Peshawar. Today I have seen the order sheets of the subject case but I cannot say with certainty that whether these order sheets were typed by me or not because the order sheets are in typed form and not hand written. So far as the judgment dated 02.02.2020 is concerned: I am sure that said judgment was not typed/written by me because during the whole time of my posting in the court concerned, I had not typed/written any judgment in the format of judgment in question. (20)

RO&AC  
29/05/2021

  
Muhammad Sajid,  
ADJ-XIII, Peshawar/Inquiry Officer.

ATTESTED

(20)  
(Examiner)  
District Court Peshawar

CW-7

Statement of Muhammad Amir presently attached to the learned Civil Judge-VIII, Peshawar.

Stated on oath that I was appointed on 01.11.2019. By designation I am Naib Qasid but after my appointment in the month of November 2019 I was serving as Madad Moharrir in the Court of Civil Judge-XVII, Peshawar upon the written directions of learned Senior Civil Judge (Admn), Peshawar. The Naib Qasid of court concerned used to brought files of different cases and after receiving the files, I used to place it in the relevant "Mutha". I was posted after the institution of subject case. Usually I received files from the court room and handed over fresh institution and disposed off cases to the senior Moharrir. After the registration of fresh case by the senior Moharrir in the relevant register, I issued summons etc as per the directions of the court.

Question: What was the reason that you have not issued summons in the subject case as per directions of the court?

Answer: As I have not seen the file in question, so that was why I have not issued summons. Similarly I was appointed after the institution of the subject case.


Question: Have you received the file in question in the office of moharrir?

Answer: May be I have received the file in question but I have not issued the summons.

Question: Who is this custodian of register according to which case files as per daily cause list were used to sent and received from the court concerned?

Answer: I was the custodian of the said register.

RO&AC  
11/06/2021

  
Muhammad Sajid,  
ADJ-XIII, Peshawar/Inquiry Officer.

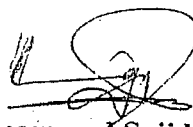
(29)

CW-8 Statement of Qaiser Khan attached to the learned Civil Judge-  
XVII, Peshawar.

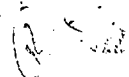
Stated on oath that by designation I am Naib Nazir but working as Moharrir in the Court of Civil Judge-XVII, Peshawar. Usually I received case files at fresh institution and disposed off cases from Madad Moharrir and then entered the same in the relevant register. After entry of the fresh instituted cases in the relevant register I hand over the same file to the Madad Moharrir and similarly after receiving of disposed off cases I after indexing the same, registered the same in the disposal register (Faisla Bahi). I also sent the files of disposed off case to the record room after entering the same in the challan. As far as the subject case file is concerned; I received the same from the peon/Naib Qasid of the court concerned. I have brought register No.1 wherein the entry of subject case is apparent; the copy of relevant pages is Ex.CW8/1. After the decision of subject case, I also received file in the manner aforesaid; I entered the same in the relevant register (Faisla Bahi) and handed over the case file to the officials of record room through challan.

Copy of faisla Bahi and Challan book are Ex.CW8/2 and Ex.CW8/3.

RO&AC  
12/06/2021

  
Muhammad Sajid,  
ADJ-XIII, Peshawar/Inquiry Officer.

ATTESTED

  
(Name of Attester)  
Peshawar

(30) α

CW-9 Statement of Mujahid Ali (senior Clerk/reader) attached to the learned Civil Judge-XVII, Peshawar

Stated on oath that I am totally unaware about the institution and proceedings of the case file in question because the same is not entered in register peshi as well as cause lists of the relevant dates. However, in register faisla bahi a reference of said file has been mentioned but the same is neither in my handwriting nor the same was entered in the register in my presence. Copy of relevant page of faisla Bahi is Ex.CW9/1.

Question: Who is the custodian of register faisla bahi?

Answer: I am the custodian of said register.

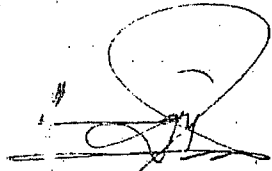
Question: Who use to affix official stamp of the court on different documents whenever required?

Answer: During court hours, the official stamp remain in my possession and I use to affix it on different papers, whenever required.

Question: Whether you have brought the fact of wrong entry in your register faisal bahi into the notice of competent authority?

Answer: No, I was not in knowledge of said wrong entry and came to know about during inquiry.

RO&AC  
17/06/2021.

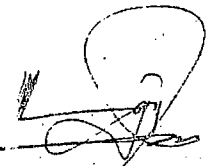
  
Muhammad Sajid,  
ADJ-XIII, Peshawar/Inquiry Officer.

(31)

**CW-10 Statement of Muhammad Sareer In charge Record Room Sessions Court, Peshawar.**

Stated on oath that I have brought Civil register/1 (Kulyat). On 24.02.2020 the subject case file was received from the Court concerned for the purpose of consignment in record room. I produce the photocopy of relevant page containing the entry of subject case file which is Ex CW10/1. On the same date i.e 24.02.2020 one other case titled "Muhammad Haroon Vs Board" was also received from the court of learned Civil Judge-XVII, Peshawar for consignment. I also produce the copy of relevant page as Ex.CW10/2.

RO&AC  
28/06/2021



**Muhammad Sajid,**  
**ADJ-XIII, Peshawar/Inquiry Officer.**

**ATTESTED**  
**(Inquiry Officer)**  
**Dist. Court Peshawar**

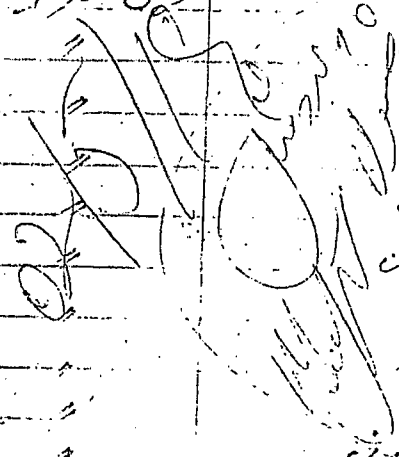
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تاریخ: 2019 / 5 / 5

شماره	شرح	مقدار	قیمت
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16	شیرین		
17	شیرین		
18	شیرین		
19	شیرین		
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21	شیرین		
22	شیرین		
23	شیرین		



تاریخ: 2019 / 5 / 5

محل: ...

مردمان: ...

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روز شنبه 15/5/95

34 حسن ذاریقی / سرانجام بخیر انشا الله

37 فریاد الیه / سرانجام بخیر انشا الله

38 محمد حسین / سرانجام بخیر انشا الله

39 انیسما علی / سرانجام بخیر انشا الله

40 خالد خان / سرانجام بخیر انشا الله

41 عبدالرحمن / سرانجام بخیر انشا الله

42 عمران / سرانجام بخیر انشا الله

43 محمد / سرانجام بخیر انشا الله

44 محمد / سرانجام بخیر انشا الله

45 / سرانجام بخیر انشا الله

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49 / سرانجام بخیر انشا الله

50 / سرانجام بخیر انشا الله

51 / سرانجام بخیر انشا الله



تاریخ: ۱۹-۵-۵۲

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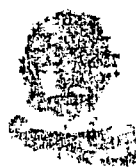
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36

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قونسل برائے  
17301-1226588-0  
09/09/1953

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 District Officer  
 District of Gujrat

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ATTESTED  
*[Signature]*  
 District Officer  
 District of Gujrat

37

DEFENCE HOUSING AUTHORITY  
PESHAWAR



FAZAL E MOULA  
QANOONGO

Lt Col (R) Security  
Branch Authority

LAND BRANCH

DEFENCE HOUSING AUTHORITY  
PESHAWAR

DHP NO 10104  
CNIC No 17301-1298568-9  
D/OE 03 Aug 2014  
Ref No Q302-6838956  
Date of Issue 01 Jan 2021  
Date of Expiry 31 Dec 2021



DEFENCE HOUSING AUTHORITY  
PESHAWAR

EX-1000  
2  
[Signature]  
A J... / Messy office  
Date 21-5-21

RECEIVED

[Stamp]

38

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جدا علی

تعمیر بندوبست متعلقہ ملک امتداد کرانی کی ہے۔  
نیا پورٹ بنانے کی ہے۔

جی اے ایچ PS

E + Cash  
~~Handwritten signature~~

ASST. M. S. P. M. / M. S. J. / M. S. J. / M. S. J.  
Dated: 26-11-21

31

TESTED  
18/11/21  
(Examiner)  
District Court Peshawar

(39)

(X)

(39)

جناب عالی ا حسب التعمیر عدالت میرا در تہیل در تہیل

تہیل عدالتہ انیکار کراہی تہیل ہے

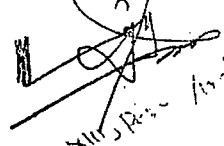
لذا رپورٹ میں ہے

حکومت بیان میں ہے کہ میں نے اس میں بیان

رپورٹ میں اس تہیل اور دست ہے

وہاں اس میں ہے

Ex. CW 114



ADJ - 1111/1111/1111/1111/1111  
Dated - 26/11/11

(39)

ATTESTED



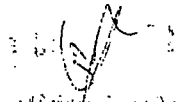
(Examiner)  
D. High Court Peshawar

40

27

20.2.2020	19/2/2020	مستند 105	عالم شاد	سید سعید شاد	17/1/17	8/10
"	19/2/2020	دفتر سید شاد	"	"	25/10/18	6/6
"	19/2/2020	SUMMARY & DISCREPANCY	سید شاد	عبدالوہید قریشی	26.10.19	453/1
"	19/2/2020	مستند 105	ارشاد احمد ظہری	آفتاب احمد ظہری	21.3.17	4/10
"	19/2/2020	"	رسدگی	نورین قنار	4/4/18	28/6
"	19/2/2020	"	رسدگی	ضیاء انور خان	17.7.19	266/1
"	20.2.2020	SUMMARY & DISCREPANCY	ملک صاحب خان	وہید گل	14.5.19	5/12(2) X
20.2.2020	20/2/2020	دعویٰ 105	صہب مین پوڈ	ضیاء انور خان	17.18.19	582/1
"	19/2/2020	SUMMARY & DISCREPANCY	فہیم خان	تیاج علی	21/4/18	155/1
21.2.2020	20.2.2020	مستند 105	مدیر انیس	ابوزر خان	2/11/2019	69/1
			DHA	سید سعید شاد	25.19	4/1

ATTESTED

  
 (District Engineer)  
 District Council Peshawar

(41)

~~38~~

<p>12/11/2022</p> <p>12/11/2022</p> <p>12/11/2022</p> <p>12/11/2022</p> <p>12/11/2022</p>	<p>SUIT FOR SPECIFIC</p>	<p>12/11/2022</p> <p>(34)</p> <p>D. P. S. P. S.</p> <p>D. H. A. P. S.</p> <p>فصل</p>	<p>12/11/2022</p> <p>12/11/2022</p> <p>12/11/2022</p> <p>12/11/2022</p>	<p>2 5/217</p>	<p>41/1</p>
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ATTESTED

(Signature)

(Examiner)  
District Court Peshawar

44

dated 01-2-2020

No. 1 - CIVIL SUIT REGISTER

8	7	6	5	4	3	2	1
Case No.	Parties	Amount	Amount	Amount	Amount	Amount	Amount
08/2/2020	Sh. Jagan	N/A	500/-				
08/2/2020	12(2) Sh. Jagan		500/-		5/10/19	573/-	5
08/6/2020	12(2) Sh. Jagan		21,101/-	21,101/-	2-4-19	08/12	10
08/2/2020	Sh. Jagan		10,000/-		10/9/15	32/10	7
08/2/2020	Sh. Jagan		10,000/-		30/1/15	36/-	8

ATTESTED

(Signature)

(Examiner)  
District Court Peshawar



45

رجسٹر محافظ خانہ برائے اندراجات فیصلہ شدہ مقدمات

Ex. No. 10/1  
10/10/10  
10/10/10

رجسٹر محافظ خانہ برائے اندراجات فیصلہ شدہ مقدمات

عدا	موصولہ	عنوان	فیصلہ	مقدمہ نمبر	کلیات
خوش فیس	24/2/20	DHA	2/2/20	141/1	557
نازیہ بیگم		...	...	107/1	558
...		...	...	329/1	559
...		...	N	303/1	560
...		...	(37) N	311/1	561

ATTESTED

(Signature)

(Examiner)  
District Court, Peshawar

No. 470 /AD&SJ-XIII.

Dated the Peshawar. 16/04/2021

From,

Muhammad Sajid,  
Additional District & Sessions Judge-XIII,  
Peshawar.

To:

Miss Nosheen Nisar,  
Civil Judge, Mardan.

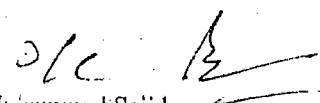
Subject:

INQUIRY IN CIVIL SUIT NO.141/1 OF 2019  
TITLED "MST: SABIHA AND OTHERS VS  
ASSISTANT DIRECTOR LAND, DHA AND  
OTHERS".

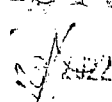
Respected Madam,

With due reverence it is submitted that an open inquiry with regard to proceedings and judgment dated 02.02.2019 in civil suit No.141/1 of 2019 titled "Mst: Sabiha and others Vs Assistant Director Land, DHA and others" is in progress upon the direction of competent authority, wherein your comments in respect of your knowledge with regard to the proceeding and authenticity of your signature on order sheets particularly No.9 onward and on the judgment/decree in the captioned suit are required for the further progress in the matter.

It is therefore desired that your comments must reach to the office of undersigned on or before 26/04/2021.

  
Muhammad Sajid,  
Additional District & Sessions Judge-XIII/Inquiry Officer,  
Peshawar

ATTESTED

  
(Examining)  
District Court, Peshawar

No. 289 /AD&SJ-XIII.

Dated the Peshawar. 03/05/2021

From,

Muhammad Sajid,  
Additional District & Sessions Judge-XIII,  
Peshawar.

To:

Miss Nosheen Nisar,  
Civil Judge, Mardan.

Subject:

**INQUIRY IN CIVIL SUIT NO.141/1 OF 2019  
TITLED "MST: SABIHA AND OTHERS VS  
ASSISTANT DIRECTOR LAND, DHA AND  
OTHERS"**

Respected Madam,

With reference to your letter bearing endorsement No.32/CJ-III dated 30.04.2021 in response of letter No.470/AD&SJ-XIII, Peshawar dated 16.04.2021 you may peruse the original record of Civil Suit No.141/1 of 2019 in the court of undersigned on or before 21.05.2021.

*MC*  
Muhammad Sajid,  
Additional District & Sessions Judge-XIII/Inquiry Officer,  
Peshawar.

No. 48 / Civil Judge,

Dated the Mardan. 21/05/2021

To:

Muhammad Sajid,  
Additional District & Sessions Judge-XIII,  
Peshawar

From:

Miss Nosheen Nisar,  
Civil Judge, Mardan.

Subject:

**INQUIRY IN CIVIL SUIT NO.141/1 OF 2019  
TITLED "MST: SABIHA AND OTHERS VS  
ASSISTANT DIRECTOR LAND, DHA AND  
OTHERS"**

Respected Sir,

With reference your good self letter notice No.470/AD&SJ-XIII,  
Peshawar dated 16.04.2021 under the subject, I have the honour to submit my  
para wise comments as follow:-

1. The proceedings and signatures in the subject case on order sheets/judgment and decree are not genuine.
2. The signatures and proceedings in the subject case are not authentic rather factitious.
3. I have no knowledge of any proceeding in the subject case, as I have not conducted the trial of the subject case.

The comments are submitted as desired please.

Dated:21/05/2021

*Nosheen Nisar*  
Nosheen Nisar,  
Civil Judge, Mardan.

ATTESTED

*(Examiner)*  
District Court Peshawar

49



The PESHAWAR HIGH COURT Peshawar

All communications should be addressed to the Registrar Peshawar High Court, Peshawar and not to any official by name. Exch: 9210149-58 Off: 9210135 Fax: 9210170 www.peshawarhighcourt.gov.pk info@peshawarhighcourt.gov.pk phcpsh@gmail.com

Office of the District & Sessions Judge Peshawar Receipt No 850 Dated 09-06-2021

No. 513 /MIT

Dated Peshawar the 07/06/2021

To The District & Sessions Judge, Peshawar.

REMINDER

55

SUBJECT: - JUDGMENT DATED 02.02.2019 IN CIVIL SUIT # 141/A OF 2019 TITLED "MST. SAHIBA & OTHERS VERSUS ASSISTANT DIRECTOR LAND, DHA AND OTHERS" PERTAINING TO THE COURT OF MS. NOSHEEN NISAR CIVIL JUDGE-XVII, PESHAWAR

4/2

Sir, In continuation of this office letter No 397/MIT dated 06.04.2021, requisite report in the matter is still awaited, which may be sent to this office, at the earliest, please.

(MUHAMMAD ASIF) Member Inspection Team

AD & SJ-XVII Peshawar for submission of requisite report at the earliest.

District & Sessions Judge, Peshawar

57

50



DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Ph#091-9210099 Fax#091-9212419  
eMail: scPeshawar@yahoo.com  
web: Sessions.CourtPeshawar.gov.pk

No. 4390  
Dated Peshawar 10/7/21

To  
The Member Inspection Team,  
Peshawar High Court,  
Peshawar.

Subject: Judgment Dated 02/02/2019 in Civil Suit# 141/A of 2019 titled "Mst: Sahiba & Others Versus Assistant Director Land, DHA And Others" Pertaining to the Court of Ms. Nosheen Nisar, Civil Judge-XVII, Peshawar.

Dear Sir,

499

I have the honor to submit that in compliance with the directions contained in PHC letter No. 397/MI dated 06/04/2021, open inquiry was conducted through Mr. Muhammad Sajid, learned Additional District & Sessions Judge-XIII, Peshawar. He has submitted his report dated 06/07/2021. This inquiry report is conveyed with the request that if you agree with the findings of this report, this office be given permission to proceed further against the delinquent officials.

Encl: AS ABOVE

District & Sessions Judge,  
Peshawar

ATTESTED

District Court Peshawar

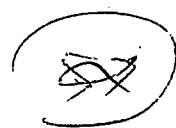
(51)

No. 7 /AD&SJ-XIII.

Dated the Peshawar. 06/07/2021

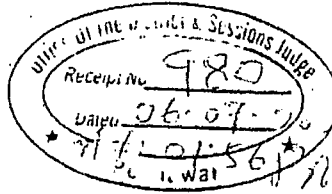
From.

Muhammad Sajid,  
Additional District & Sessions Judge-XIII.  
Peshawar.



To:

The Hon'able,  
District & Sessions Judge,  
Peshawar.



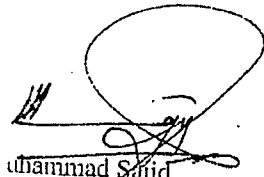
**Subject:** INQUIRY REPORT.

Respected Sir,

Kindly, reference vide order passed by the Hon'ble District & Sessions Judge, Peshawar vide, endorsement No.2525-26 dated 09.04.2021.

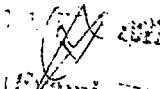
In compliance whereof, the inquiry report is hereby submitted.

Submitted please.



Muhammad Sajid,  
Additional District & Sessions Judge-XIII,  
Peshawar/Inquiry Officer.

**ATTESTED**

  
(Examiner)  
District Court Peshawar

*(Handwritten signature)*

**INQUIRY REPORT**

**Order.....**  
06/07/2021

1. This is a fact finding inquiry about the genuineness of conduct of proceedings and judgment in civil suit No.141/1 of 2019 titled "Mst: Sabiha and others Vs Assistant Director Land, DHA and others". The inquiry in hand was entrusted to undersigned as inquiry officer by the order of Hon'ble District & Sessions Judge, Peshawar vide office order No.2525-26 dated (9.04.2021).
2. Brief facts are that a civil suit bearing No.141/1 of 2019 titled "Mst: Sabiha and others Vs Assistant Director Land, DHA and others" was shown instituted in the Court of learned Senior Civil Judge, Peshawar and the same was entrusted to the court of learned civil judge-XVII, Peshawar vide order date 02.05.2019. After completion of trial, the subject case was decreed ex-parte vide judgment and decree dated 02.02.2020. The date of subject judgment was a non working day and the matter of subject judgment having been passed on the date falling on non working day i.e Sunday, was brought into the kind notice of Hon'ble Chief Justice of Peshawar High Court, Peshawar and his lordship had directed to look into the matter through an open inquiry.

*(Handwritten mark)*

*(Handwritten signature)*  
06/07/2021

3. Statements of following official were recorded:-
  - I. Mr. Qaiser Khan reader attached to the court of learned Senior Civil Judge(Judicial), Peshawar.
  - II. Mr. Fazal-e-Maula (Qanoongo DHA, Peshawar) representative of defendants.
  - III. Miss Hina Murtaza (Process server).
  - IV. Waqas Ahmad (process server).

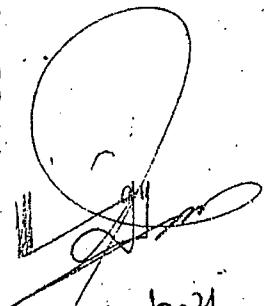
**ATTESTED**

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(Examiner)  
District Court Peshawar



~~53~~

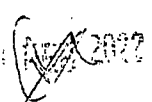
- V. Sultan Ul Arifeen Naib Nazir) attached to the court of Senior Civil Judge, Peshawar.
- VI. Muhammad Mascod Khan (Computer Operator) attached to the court of learned Judge Family Court-IV, Peshawar.
- VII. Muhammad Amir Naib Qasid) attached to the court of learned Civil Judge-VIII, Peshawar.
- VIII. Qaiser Khan (Mouarrir) attached to the court of learned Civil Judge-XVII. Peshawar.
- IX. Mujahid Ali (Senior Clerk/Reader) attached to the court of learned Civil Judge-XVII, Peshawar.
- X. Muhammad Sareer Incharge Record Room District Courts, Peshawar.
- XI. Comments were also called from Miss Nosheen Nisar, Civil Judge- XVII, Peshawar presently posted as Civil Judge at District Mardan and placed on file alongwith statement of above mentioned officials.

  
05/07/2021

4. No doubt, the subject judgment was passed on non working day i.e Sunday but during the course of inquiry it came into the notice of undersigned that the institution and proceedings as well as the order sheets in the subject case file were forged, fake and fabricated on the grounds:-

- I. The order sheet bearing No.1 dated 02.05.2019 containing the signatures of learned Senior Civil Judge, Peshawar vide which the subject case was entrusted to the Court of learned Civil Judge-XVII. Peshawar was scanned and not original.
- II. The register of institution/markings of suits etc of the year 2019 did not contain any entry regarding the institution of case file of subject suit.

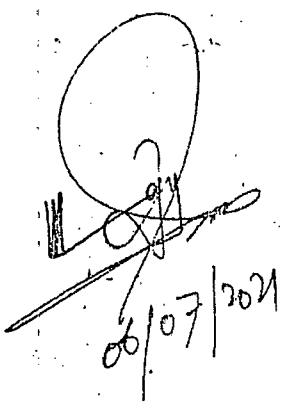
ATTESTED

  
(Examiner)  
District Court Peshawar

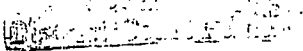
62

- III. The record of Naib Nazir i.e register No.23 is silent about the receiving of summons in respect of subject case from the court of learned Civil Judge-XVII, Peshawar.
- IV. Representative of defendants was shown present during proceedings of the subject case vide order sheets dated 11.06.2019, 27.06.2019, 03.07.2019 and 26.07.2019 but said representative of defendants namely Fazl-e-Maula has totally denied his appearance before the court concerned coupled with the fact that no authority letter in the name of above named representative is available on the record of the case.
- V. Two order sheets were shown written on single date of 21.12.2019 bearing two different numbers i.e Or.....13 & Or.....14.
- VI. The subject judgment was shown passed on 02.02.2020 but no short order of the same date was available on the record of the case.
- VII. There is no reference of the dates of subject case file in cause lists as well as in register Peshi.
- VIII. The margin on paper of order sheet No.3 to last one is in sequence, which in ordinary course, is not possible.
- IX. Visible and apparent variations in the signatures of presiding officer of the court on order sheets, which are not matching each other.
- X. Process server concerned has shown ignorance and denied service of summons in the subject case.
- XI. There is entry of subject case file in register Faisla Bahi without bearing any specific number.

5B

  
 06/07/2021





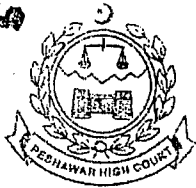
5. The subject case file has been entered by Moharrir Qaiser Khan in register No.1, register Faisla Bahi, challan book and he also admitted receiving of subject case file as well as its consignment to the record room, therefore, it could be held that Moharrir of the court namely Qaiser Khan, being custodian of record as well as aware of the forged entry of subject case file in the record, seems to be prima facie involved in the matter. Secondly, the reader of the court namely Mujahid Khan was the custodian of register faisla bahi wherein reference of subject case file has been given but without any serial number. If the stance of the reader namely Mujahid Khan regarding his ignorance be taken to be true, even then he is guilty of negligence. The report, so compiled is submitted, please.

(Muhammad Sajid)

Asst. District & Sessions Judge-XIII,  
Peshawar/Inquiry Officer

ATTESTED

(Examiner)  
District Court Peshawar



The  
**PESHAWAR HIGH COURT**  
Peshawar

All communications should be addressed to the Registrar Peshawar High Court, Peshawar and not to any official by name.

Exch: 9210149-58  
Off: 9210135  
Fax: 9210170

www.peshawarhighcourt.gov.pk  
info@peshawarhighcourt.gov.pk  
phcpsh@gmail.com

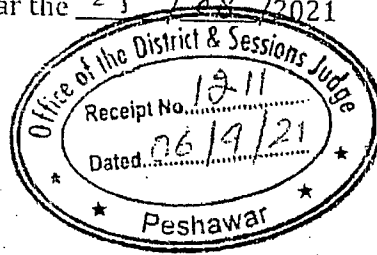
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56

No. 649 /MIT

Dated Peshawar the 25 / 12 / 2021

To  
The District & Sessions Judge,  
Peshawar



Subject: - JUDGMENT DATED 02.02.2019 IN CIVIL SUIT # 141/1 OF 2019 TITLED "MST. SABIHA & OTHERS VERSUS ASSISTANT DIRECTOR LAND, DHA AND OTHERS" PERTAINING TO THE COURT OF MS NOSHEEN NISAR, CIVIL JUDGE-XVII PESHAWAR

Sir,

I am directed to refer to your letter No. 4390 dated 10.07.2021, on the subject and to ask you to obtain Inquiry file from the Court of Addl: District & Sessions Judge-XIII, Peshawar and be sent to this office at the earliest, please.

*(Handwritten signature)*  
(Muhammad Asif)  
Member Inspection Team

Marked to  
L. AD & SJ - XIII, Peshawar  
for compliance, please.

*(Handwritten signature)*  
District & Sessions Judge  
Peshawar  
8/12/21

57



DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Ph#091-9210099 Fax#091 9212419  
eMail: scPeshawar@yahoo.com  
web: SessionsCourtPeshawar.gov.pk

No. 5116  
Dated Peshawar 08/9/21

*(Handwritten initials)*

To  
The Member Inspection Team  
Peshawar High Court,  
Peshawar.

Subject: JUDGMENT DATED 02/02/2019 IN CIVIL SUIT# 141/1 OF 2019  
TITLED "MST: SABIHA & OTHERS VERSUS ASSISTANT DIRECTOR LAND,  
DHA AND OTHERS" PERTAINING TO THE COURT OF MS. NOSHEEN  
NISAR, CIVIL JUDGE-XVII, PESHAWAR.

Dear Sir,

Complete Inquiry File, received from the Court of Mr.  
Muhammad Sajid, learned Additional District & Sessions Judge-XIII,  
Peshawar, is sent herewith, in sealed condition, as desired, please.

*(Handwritten initials)*

Encl: AS ABOVE

*(Signature)*  
[Ashfaque Taj]  
District & Sessions Judge  
Peshawar  
08 SEP 2021

No. 05(PHC) 5117 Dated Peshawar, the 08/09/2021

Copy forwarded to Mr. Muhammad Sajid, learned Additional District  
& Sessions Judge-XIII, Peshawar, for information.

*(Signature)*  
District & Sessions Judge,  
Peshawar  
08 SEP 2021

ATTESTED  
18 SEP 2021  
(Examiner)  
District Court Peshawar

58

No. 47 /AD&SJ-XIII.

Dated the Peshawar. 07/07/2021

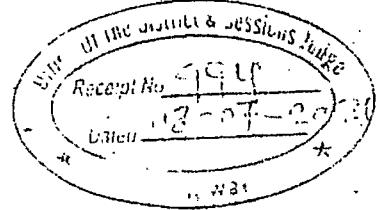
From.



Muhammad Sajid,  
Additional District & Sessions Judge-XIII.  
Peshawar.

To:

The Hon'able,  
District & Sessions Judge,  
Peshawar.



Subject:

SAFE CUSTODY OF INQUIRY IN CASE FILE NO.05/6 OF 2021.

Respected Sir,

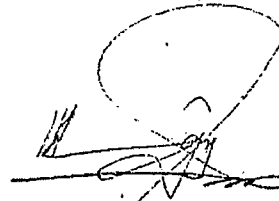
57

Reference vide order passed by the Hon'ble District & Sessions Judge, Peshawar vide, Ends: No.83(DAS)2525-26 dated 09.04.2021.

In compliance whereof, the inquiry report has already been submitted to your goodself vide letter No.38 dated 07.07.2021. The inquiry file No.05/6 of 2021 is hereby sent to your good office in sealed condition with the request to issue direction to the concerned official to keep the same in safe custody in sealed form.

Submitted please.

Encl: As above.



Muhammad Sajid,  
Additional District & Sessions Judge-XIII,  
Peshawar/Inquiry Officer.

ATTESTED

12/7/2021

(Examiner)  
District Court Peshawar



The PESHAWAR HIGH COURT Peshawar

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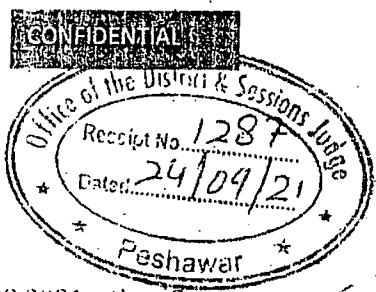
Handwritten number 59 in a circle

No. 755/MIT

Dated Peshawar the 22/09/2021

To The District & Sessions Judge, Peshawar.

Subject: - APPLICATION/COMPLAINT (C # 223-9)



Sir, Reference your letter No. 5116 dated 08.09.2021, the Competent Authority has been pleased to direct to proceed against the identified delinquent officials under the E&D Rules 2011, with further direction to initiate criminal proceedings against the beneficiaries of fake judgment and other accomplices, under intimation to this office, please.

Enclosed: complete inquiry file is returned herewith.

(MUHAMMAD ASIF) Member Inspection Team



**DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR**

Ph#091-9210099 Fax#091-9212419  
eMail: scPeshawar@yahoo.com  
web: SessionsCourtPeshawar.gov.pk

No. 5604-5607  
Dated Peshawar 01-10-2021

19/6

(S)

(60)

**ORDER**

WHEREAS, in compliance with the directions of august Peshawar High Court, Peshawar, conveyed through letter No. 397/MIT dated 06/04/2021; Mr. Muhammad Sajid, learned Additional District & Sessions Judge-XIII, Peshawar was directed to conduct an inquiry into the matter of issuance of Fake Court Decree titled "Mst: Sahiba & others ..vs.. Assistant Director Land, I HA & others" by the Court of Ms. Nosheen Nisar, Civil Judge-XVII, Peshawar. The learned Inquiry Officer, after concluding the proceedings, submitted his report to this Office, which was forwarded to the august Peshawar High Court Peshawar for further appropriate order.

AND WHEREAS, the august Peshawar High Court, Peshawar was pleased to direct this Office, vide letter No. 735/MIT dated 22/09/2021, to proceed against the identified delinquent officials under the E&D Rules 2011, as well as to initiate criminal proceedings against the beneficiaries of fake judgment and other accomplices.

NOW THEREFORE, Mr. Fazal Nasir Shah, learned Senior Civil Judge (Judicial), Peshawar is appointed as Inquiry Officer to proceed against the delinquent official i.e. Mujahid Ali, Senior Clerk/Reader, under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, as well as to identify the beneficiaries of said fake degree and their accomplices, and report to this Office at the earliest.

Mr. Sajjad Ahmad Jan, Assistant/A.C.C shall represent this Office during the inquiry proceedings.

*[Signature]*

[ASHFAQETA]  
District & Sessions Judge,  
Peshawar.

ATTESTED

10/10/2021

(Examiner)  
District Court Peshawar

*[Handwritten signature]*



61

No. 83(DAS) 5604-07 Dated Peshawar the 01 / 10 /2021

Copy forwarded to:

1. The Member Inspection Team, Peshawar High Court, Peshawar, for information, please:
2. The Senior Civil Judge (Judicial), Peshawar/Inquiry Officer, along with complete Inquiry file, in original, and copies of Charge Sheets and Statement of Allegations served upon the delinquent official Mujahid Ali, Reader.
3. The Senior Civil Judge (Admn), Peshawar, alongwith copy of Inquiry Report, with the direction to initiate proceedings against the delinquent official i.e. Qaiser Khan, Naib Nazir/Muharrar, being competent authority, in accordance with law.
4. The officials concerned.

District & Sessions Judge,  
Peshawar.

ATTESTED

(Signature)  
(Examiner)  
District Court Peshawar



**DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR**

Ph#091-9210099 Fax#091-9212419  
eMail: scPeshawar@yahoo.com  
web: SessionsCourtPeshawar.gov.pk

No. 1124-27  
Dated Peshawar 07-10-2021

(68)

**OFFICE OF THE SENIOR CIVIL JUDGE (ADMN) PESHAWAR**

(71)

**ORDER**

in compliance with the directions of Hon'ble District & Sessions Judge, Peshawar, conveyed through letter No. 5604-5607 dated 01/10/2021; Mr. Fazal Nasir Shah, learned Senior Civil Judge (Judicial), Peshawar is appointed as Inquiry Officer to proceed against the delinquent official i.e. Qaiser Khan, Naib Nazir/Muharrar, under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, as well as to identify the beneficiaries of said fake degree and their accomplices, and report to this Office at the earliest.

(24)

Mr. Amjad Khan Shinwari, Senior Clerk shall represent this Office during the inquiry proceedings.

[Muhammad Sher Ali Khan]  
Senior Civil Judge (Admn),  
Peshawar, 07/10/2021  
Peshawar.

Endorsement No. 1124-27 Dated Peshawar, the 07/10/2021

Copy forwarded to:

1. The Hon'ble Member Inspection Team, Peshawar High Court, Peshawar, for information, please.
- ✓ 2. The Hon'ble District & Sessions Judge, Peshawar, for information, please.
3. The Senior Civil Judge (Judicial), Peshawar, Inquiry Officer, along with complete Inquiry file, in original, and copies of Charge Sheets and Statement of Allegations served upon the delinquent official Qaiser Khan, Naib Nazir.
4. The officials concerned.

Seen

District & Sessions Judge,  
Peshawar

04/10/2021

**ATTESTED**

(Examiner)  
District Court Peshawar

Senior Civil Judge (Admn),  
Peshawar.  
Senior Civil Judge (Admn),  
Peshawar, 07/10/2021

(63)



**DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR**

Ph#091-9210099 Fax#091-9212419  
eMail: scPeshawar@yahoo.com  
web: SessionsCourtPeshawar.gov.pk

No. 1188  
Dated Peshawar 2/10/2021

**OFFICE OF THE SENIOR CIVIL JUDGE (ADMN) PESHAWAR**

**DISCIPLINARY ACTION**

I, **Muhammad Sher Ali Khan**, Senior Civil Judge (Admn), Peshawar, as competent authority, am of the opinion that **Qaiser Khan, Naib Nazir/Muharrar** has rendered himself liable to be proceeded against, as he committed the following act/omission, within the meaning of Rules-3(b) & (c) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

72

**STATEMENT OF ALLEGATION(S)**

69

- a. Prepared and issued a Fake Court Decree titled "Mst: Sahiba & others ..vs.. Assistant Director Land, DHA & others" by making false entries in the relevant registers, and forged signatures of the Presiding Officers.
2. For the purpose of inquiry against the said accused, with reference to the above allegations. Mr. Fazal Nasir Shah, learned Senior Civil Judge (Judicial), Peshawar is appointed under Rule 10(1)(a) of the rules ibid.
3. The inquiry officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record his findings and make, within **thirty** days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and Mr. Amjad Khan Shinwari, Senior Clerk/ representative of this office, shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

**ATTESTED**

(Examiner)  
District Court Peshawar

[Muhammad Sher Ali Khan]  
Senior Civil Judge (Admn)  
Competent Authority,  
Peshawar.

02/10/2021

(64)



DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Ph# 091-9210099 Fax# 091-9212419  
eMail: scPeshawar@yahoo.com  
web: SessionsCourtPeshawar.gov.pk

No. 1189  
Dated Peshawar 2/10/2021

OFFICE OF THE SENIOR CIVIL JUDGE (ADMN) PESHAWAR

CHARGE SHEET

I, Muhammad Sher Ali Khan, Senior Civil Judge (Admn), Peshawar, as competent authority, hereby charge you, Qaiser Khan, Naib Nazir/Muharrar as follow:

1. That you, while posted as Muharrar to the Court of the Ms. Nosheen Nisar, the then Civil Judge-XVII Peshawar, committed the following irregularities:
  - a. Prepared and issued a Fake Court Decree titled "Mst: Sahiba & others ..vs.. Assistant Director Land, DHA & others" by making false entries in the relevant registers, and forged signatures of the Presiding Officers.
2. By reason of the above, you appear to be guilty of **misconduct** and **corruption** under Rules-3(b) & (c) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule-4 of the rules ibid.
3. You are, therefore, required to submit your written defense within **seven** days of the receipt of this Charge Sheet to the Inquiry Officer.
4. Your written defense, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case, ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.

ATTESTED

2022

(Examiner)  
District Court Peshawar

[Muhammad Sher Ali Khan]  
Senior Civil Judge (Admn)/  
Competent Authority  
Peshawar 02/10/2021

65



DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Ph#091-9210099 Fax#091-9212419  
eMail: scPeshawar@yahoo.com  
web: SessionsCourtPeshawar.gov.pk

No. 6747  
Dated Peshawar 19/11/21

To  
The Member Inspection Team,  
Peshawar High Court,  
Peshawar

Subject: APPLICATION / COMPLAINT (C# 22349)

Reference: PHC letter No. 735/MIT dated 22/09/2021

Dear Sir,

In compliance with the directions of august Peshawar High Court. Peshawar conveyed through letter No. 735/MIT dated 22/09/2021; this Office, vide Order No. 5604-5607 dated 01/10/2021, has appointed Mr. Fazal Nasir Shah, learned Senior Civil Judge (Judicial), Peshawa, as an Inquiry Office to proceed against the delinquent officials of this Sessions Division under E&D Rules-2011, as well as to identify/pin point the beneficiaries of the fake decree in question and their accomplices, so as no room is left for doubts while initiating criminal proceedings against them. A copy of the order mentioned above is enclosed herewith for ready reference. This Court will share the outcome of the inquiry proceedings and initiation of the criminal process with your esteemed office upon completion, please.

6747

Encl: AS ABOVE

[ASHFAQUE TAJ]  
District & Sessions Judge,  
Peshawar.  
19 NOV 2021

ATTESTED

19/11/2022

(Examiner)  
District Court Peshawar



The  
**PESHAWAR HIGH COURT**  
Peshawar

All communications should be addressed to the Registrar Peshawar High Court, Peshawar and not to any official by name.

Exch: 9210149-58  
Off: 9210135  
Fax: 9210170

www.peshawarhighcourt.gov.pk  
info@peshawarhighcourt.gov.pk  
phcpsh@gmail.com

66

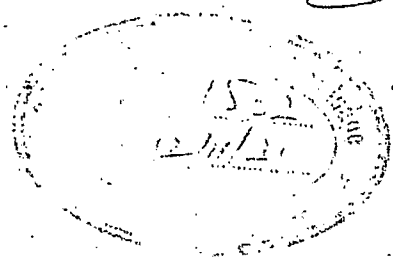
No. 951 /MIT

Dated Peshawar the 11/11/2021

*(Handwritten signature)*

To

✓ The District & Sessions Judge,  
Peshawar.



Subject: - APPLICATION/COMPLAINT (C # 223 19)

*(Handwritten mark)*

Sir,

In continuation of this office letter N : 735/MIT dated 22.09.2021, it is observed that there is no mention of criminal proceedings against the beneficiaries of the fake judgment.

You are, therefore, requested to apprise this office about the action taken on this aspect of the letter mentioned above, please.

*(Handwritten signature)*  
**(MUHAMMAD ASIF)**

Member Inspection Team

Through e-mail letter of MIT MIT Recd from 22/10/21 DSJ P. dated 22/09/2021. Copy of this letter is being sent to the concerned parties dated 01/11/21.

18/01/2022

ATTESTED

18/01/2022

کلیں تھیں

		40/91	40
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20

		58/30	24/2/20
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20

		1/37	557
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20

نمبر شمار	تفصیل	تعداد	تاریخ
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D.H.A. 14-15

تفصیل	تعداد	تاریخ	نمبر شمار
41	2.2.2020	2.5.19	191/1

18/01/2022

18/01/2022

18/01/2022

18/01/2022

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FORM "A"  
FORM OF ORDER SHEET

COURT OF .....  
CASE NO ..... OF .....

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

OR.....01      2-5-2019.

Civil Suit/ Rent Petition/ Family Case/ Insolvency/ Misc: Application/ Objection Petition /execution petition has been filed; entrusted to the Court of محترم قاضی نثار احمد Civil Judge- XVII Peshawar. Counsel for the plaintiff/ petitioner is directed to appear before the same court on \_\_\_/2019.

Mahjabeen Shabbir  
Senior Civil Judge,  
Peshawar.

Order 02  
2-5-2019

Office to report...

Civil Judge-XVII,  
Peshawar

جناب عالی! یہ تالی کی کئی دعویٰ السلم الی ہے۔ گراہ جسکے دیگر نقولات، درخواست حکم ہتھیای وکالت نامہ و نقل عرض دعویٰ ہمراہ لکھا۔ اپنا رپورٹ عرض ہے۔

ریڈر از عدالت

ATTESTED

19/05/2022

(District Judge)  
District Court Peshawar



*[Handwritten signature]*

IN THE COURT OF NOSHEEN NISAR, CIV L JUDGE-XVII, PESHAWAR

Or.....03  
02/05/2019

Case file received from the court of Learned Senior Civil Judge, Peshawar. Plaintiffs through counsel present admits the contents of the plaint as true and correct. It be registered accordingly.

Notices and summons alongwith copies of the plaint be issued to the defendants for the final disposal of the case for 23.5.2019. Parties are directed to produce all the necessary documents in original with defence.

*[Signature]*  
NOSHEEN NISAR  
CJ-XVII, Peshawar

7.3

Or.....04  
23/5/2019

Plaintiffs through counsel present. Muhammad Shafi submitted his power of attorney on behalf of plaintiffs, placed on file. Process issued to defendants not received. Fresh summons and notices be issued against defendants. File to come up for attendance of defendants on 11-6-19.

*[Signature]*  
NOSHEEN NISAR  
CJ-XVII, Peshawar

Or.....05  
11/06/2019

Plaintiffs through attorney along with counsel present. Representative of defendants present who sought adjournment for submission of written statement. Granted. File to come up for submission of written statement on 27/6/19

*[Signature]*  
NOSHEEN NISAR  
CJ-XVII, Peshawar

Or.....06  
27/06/2019

Plaintiffs through clerk of counsel present. Representative of defendants present and sought time for submission of written statement and written reply, granted with strict direction to submit the same on next date positively. File to come up for submission of written statement and written reply on 3/7/19

*[Signature]*  
NOSHEEN NISAR  
CJ-XVII, Peshawar

ATTESTED

*[Signature]*  
(Examiner)  
District Court Peshawar

70

*[Handwritten signature]*

IN THE COURT OF NOSHEEN NISAR, CIVIL JUDGE-XVII,

PESHAWAR

Mst.Sabeeha etc....VS..... Assistant Director DHA etc

Or.....07  
03/07/2019

Plaintiffs through counsel present. Defendants through representative namely Fazal-e-Mola (Tehsildar at DHA) present and again sought time for submission of written statement, absolutely last chance was given to defendants for submission of written statement. File to come up for submission of written statement.

on 26/7/19

*NAN*  
NOSHEEN NISAR  
CJ-XVII, Peshawar

Or.....08  
26/07/2019

Plaintiffs through clerk of counsel present. Representative of defendants namely Fazal e Mola (tehsildar at DHA) present and again sought time for submission of written statement and stated that the comments have not been received from the concern office. Perusal of order sheets reveals that many adjournments have been given to defendants to submit their written statement but they failed hence, notice under order 8 rule 10 CPC given to the representative of defendants and in case of non submission of written statement on next date, their defence to file written statement will be struck off. File to come up for

7.9.2019

*NAN*  
NOSHEEN NISAR  
CJ-XVII, Peshawar

*[Stamp]*

*[Handwritten signature]*

IN THE COURT OF NOSHEEN NISAR, CIVIL JUDGE-XVII

PESHAWAR

Mst.Sabecha etc....VS.....Assistant Director DHA etc

*(Handwritten signature)*

Or.....09  
07/09/2019

Plaintiffs through counsel present. Case was called repeatedly but non present on behalf of defendants till closing hours of the court. hence they placed and proceeded ex parte. Plaintiff is directed to submit the list of witnesses and deposit the diet money for the official witnesses if any within three days and thereafter notices be issued against the official witnesses of the plaintiff. File to come up for ex parte evidence of plaintiff on

17/10/19

*(Handwritten initials)*

*(Handwritten signature)*  
NOSHEEN NISAR  
CJ-XVII, Peshawar

Or.....10  
17-10/2019

Plaintiffs through counsel present. Record keeper of office of Sub Registrar Peshawar present and his statement was recorded as PW-1, placed on file. Counsel for Plaintiffs requested for production of rest of his ex parte evidence on next date, granted. File to come up for ex parte evidence of plaintiff On

7/11/19

*(Handwritten signature)*  
NOSHEEN NISAR  
CJ-XVII, Peshawar

Or.....11  
07/11/2019

Plaintiffs through counsel present. Ex parte evidence of plaintiff not present. Counsel for the plaintiffs requested for the grant of adjournment. Granted, File to come up for ex parte evidence of plaintiffs on

3/12/19

*(Handwritten signature)*  
NOSHEEN NISAR  
CJ-XVII, Peshawar

**ATTESTED**

*(Handwritten signature)*  
District Court Peshawar

IN THE COURT OF NOSHEEN NISAR, CIVIL JUDGE-XVII,


PESHAWAR

Mst.Sabeeha etc....VS.....Assistant Director DHA etc



Or.....12  
03/12/2019

Plaintiff through counsel present. Ex parte evidence of plaintiff present. Statement of Qaiser Ali and Muhammad Rafiq recorded as PW-2 and PW-3 while plaintiffs examined themselves through attorney as PW-4. Plaintiffs closed their evidence. To come up for ex parte arguments on 21/12/19.

  
NOSHEEN NISAR  
CJ-XVII, Peshawar




Or.....13  
21/12/2019

Plaintiffs through attorney present and requested for adjournment that his counsel is out station to day. File to come up for ex parte arguments of plaintiffs on 21-12-19

  
NOSHEEN NISAR  
CJ-XVII, Peshawar


Or.....14  
21/12/2019

Plaintiffs through attorney along with counsel present. Ex parte arguments on behalf of plaintiffs heard. File to come up for order on 21/12/2019.

  
NOSHEEN NISAR  
CJ-XVII, Peshawar

Or.....15  
08/01/2020

Plaintiffs through attorney present. To day the case was fixed for Ex parte order but the same was not announced due to rush of work. File to come up for order on 02/02/2020.

  
NOSHEEN NISAR  
CJ-XVII, Peshawar



IN THE COURT OF NOSHEEN NISAR, CIVIL JUDGE-XVII, PESHAWAR

Civil Suits No. 141/1

- 1. Mst.Sabeeha W/O Mohammad Sa ed
- 2. Mst.Faiqa Huma W/O Mohammad Shoaib
- 3. Mst.Shah Room Abdur Razzaq
- 4. Mst.Falak Naz W/O Mohammad Ra fiq
- 5. Mst.Nasreen W/O Qasim Jan ul R/O Shahi Bala,  
Peshawar.

.....Plaintiffs

**VERSUS**

- 1. Assistant Director Land, DHA, Peshawar Cantt.
- 2. DHA, Peshawar through its Administrator, Peshawar Cantt.
- 3. Administrator, KP DHA, Peshawar.
- 4. Secretary, DHA, KP, Peshawar.

.....Defendants

Date of original Institution.....2/05/2019  
 Date of Decision.....02/02/2020

SUIT FOR SPECIFIC PERFORMANCE & DIRECTIVE  
INJUNCTION ETC

EX-PARTE JUDGMENT:

This order is intended to dispose of the suit filed by the plaintiffs against the defendants seeking specific performance & Declaration against the defendants in respect of the registered deed 1935 Bahi No.1 dated 2-2-2016 executed by plaintiffs through their duly authorized attorney/agent in favour of defendants/DHA through which the plaintiffs have

*Mudli*  
 NOSHEEN NISAR CIVIL JUDGE-XVII  
 PESHAWAR.

18/02/20  
 10/02/20  
 District Court Peshawar

74

IN THE COURT OF NOSHEEN NISAR, CIVIL JUDGE-XVII, PESHAWAR

transferred and handed over the possession of the property measuring 268 kanals consisting of Khasra No.533,534 and 535 at Moza Shahi Bala Peshawar in lieu of (67) numbers of files of plots at DHA, Peshawar. The plaintiffs also seek permanent injunction and mandatory injunction directing the defendants to hand over the 67 numbers of files of plots in DHA, Peshawar to plaintiffs in lieu of the property transferred to defendants through the registered deed No.1935 as mentioned. Defendants were duly served and their representative namely Fazal-e-Mola, Tehsildar at DGHA, Peshawar appeared before the court and sought many adjournments for submission of written statement and notice under order 8 rule 10 CPC was also given to him but later on he remained absent and was placed and proceeded ex parte. After wards ex-parte evidence of plaintiffs was recorded.

*(Handwritten signature)*

*(Handwritten mark)*

*(Handwritten mark)*

Plaintiffs produced record keeper of office of Sub registrar Peshawar and his statement was recorded as PW-1 who produced the Registered deed No.1935 Bahi No.1 dated 2-12-2016 and registered power of attorney No.1348 Bahi No.4 volume No.54 dated 4-11-2016. Copies of the said deeds are ExPW-1/1 and ExPW-1/2. Plaintiffs also produced Qaiser Ali as PW-2 and Muhammad Rafiq as PW-3 being marginal witnesses of the deeds and supported the stance of the plaintiffs. Similarly, plaintiff's examined themselves through attorney namely Muhammad Shafi Khalil as PW-4 who fully supported the stance of the plaintiffs and contents of the plaint.

I have heard the learned counsel for the plaintiffs and have perused the available record. It is

*Nosh*  
NOSHEEN NISAR CIVIL JUDGE XVII  
PESHAWAR

ATTESTED

*(Signature)*  
(Deputy Registrar)  
District Court Peshawar

IN THE COURT OF NOSHEEN NISAR, CIVIL JUDGE-XVII, PESHAWAR

concluded that the plaintiffs were the owners in possession of the property measuring 345 kanals and 19 marlas consisting of khas. a No.533,534 and 535 at Moza Shahi Bala Peshawar vide mutation No.2827. The plaintiffs through duly authorized agent vide registered power of attorney ExpW-1/2, transferred the property measuring 268 kanals out of 345 kanals and 19 marlas in favour of defendants/DHA, Peshawar vide registered deed ExpW-1/1 and handed over the possession of the said property to defendants/DHA, Peshawar in lieu of 67 number of files of plots at DHA, Peshawar. The plaintiffs in order to prove the execution of the deed EXPW1/1, produced the record keeper of sub registrar office Peshawar who produced the said deed EXPW-1/1 and admitted that the said deed is still in filed and has not been cancelled. The other marginal witnesses of the said deed also supported the stance of the plaintiffs and testified the attestation and execution of the said deed by plaintiffs in favour of defendants.

*[Handwritten signature]*  
*[Handwritten mark]*  
*[Handwritten signature]*

From perusal of the registered deed EXPW-1/1 it is quite clear that the defendants/DHA Peshawar have duly executed the said deed through their duly authorized person and bound downed themselves to hand over 67 numbers of files of plots(measuring one kanal each) in DHA Peshawar to plaintiffs in lieu of the property as mentioned in the deed but till date, the defendants have not handed over the files of plots to plaintiffs despite the fact that the possession of the property in question has also been delivered to DHA, Peshawar by plaintiffs and the same is in possession of DHA, Peshawar. Legally speaking, the defendants/DHA Peshawar is bound to perform their

*Handwritten:* Modi  
 NOSHEEN NISAR CIVIL JUDGE XVII  
 PESHAWAR

**ATTESTED**

*[Handwritten signature]*  
 (Examiner)  
 District Court Peshawar

76

IN THE COURT OF NOSHEEN NISAR, CIVIL JUDGE-XVII, PESHAWAR

part of the said deed i.e EXPW-1/1 by handing over the 67 numbers of files of plots in DHA Peshawar to plaintiffs as they are enjoying the possession of the property of the plaintiffs since the attestation and execution of registered deed. The plaintiffs have successfully established their case beyond any shadow of doubt by producing convincing evidence and proved the deeds. The suit of the plaintiffs being an ex parte, there is nothing in rebuttal and hindrance to grant an ex parte decree for, specific performance, declaration, permanent injunction and mandatory injunction etc as prayed for in the plaint.

*(Handwritten marks)*

Relief:

As sequel to the above, an ex parte decree is granted in favour of plaintiffs against the defendants. The defendants are directed to hand over 67 numbers of files of plots (one kanal each) at DHA Peshawar to plaintiffs in lieu of the property transferred and handed over to DHA Peshawar through registered deed No.1935 Bahi No.1 Volume No.2207 dated 2-12-2016. No order as to cost.

File be consigned to Record Room after its necessary completion and compilation

Announced  
02/02/2020

*Nosh*  
*19/02/20*  
NOSHEEN NISAR  
CJ-XVII, Peshawar

CERTIFICATE

Certified that this Order/judgment consists of four(04) pages. Each page has been read over, corrected and signed by me after its necessary correction.

*Nosh*  
*19/02/20*  
NOSHEEN NISAR  
CJ-XVII, Peshawar

ATTESTED

10 FEB 2022

(Examiner)  
District Court Peshawar



Before the learned senior civil judge Peshawar.

1. Mst.Sabeeha W/O Mohammad Saeed
2. Mst.Faiqa Huma W/O Mohammad Shoaib
3. Mst.Shah Room Abdur Razzaq
4. Mst.Falak Naz W/O Mohammad Rafiq
5. Mst.Nasreen W/O Qasim Jan Ali R/C Shahi Bala,  
Peshawar.

*(Handwritten signature)*

*(Handwritten mark)*

Or.....01  
S.C.J. Pesh

*(Handwritten mark)*

..... Plaintiffs

**VS**

1. Assistant Director (Land), Defence Housing Authority (DHA), Peshawar.
2. Defence Housing Authority (DHA), Peshawar through its Administrator, Peshawar Cantt.
3. Administrator, KP DHA, Peshawar.
4. Secretary, DHA, KP, Peshawar.

..... Defendants

**ATTESTED**

18/07/2022



(Examiner)  
District Court Peshawar

**SUIT FOR,**

- a. *Specific performance of registered deed No. 1935 Bahi No.1 dated 2-12-2016 through which the defendants are legally bound to hand over 67 number of files of plots at DHA Peshawar in lieu of*

the property measuring 268 kanals situated at Moza Shahi Bala Peshawar transferred in favour of defendants/DHA Peshawar.

- b. Declaration to the effect that the defendants are legally bound to hand over (67) files of plots measuring one kanal of each file, in DHA, Peshawar in lieu of property transferred and handed over to defendants vide registered deed No.1935 Bahi No.7 dated 2-12-2016 and the defendant have no right to deny the same and any denial towards the same will be illegal and void.
- c. Permanent injunction restraining the defendants from denying the rights of plaintiff in respect of 67 number files of plots in DHA.
- d. Mandatory injunction directing the defendants to hand over the 67 number of files or one kanals each file to plaintiffs in lieu of the property transferred and handed over to them on the basis of above mentioned deed.

  
 10  
  
 NOSHEEN ANSAR CIVIL JUDGE-VII  
 PESHAWAR

Value for the purpose of court fee and jurisdiction,

- Relief "A".....Rs.500/-
- Relief "B".....Rs.300/-
- Relief "C".....Rs.400/-
- Relief "D".....Rs.400/-

**ANNEXED**  
 10 FEB 2022  
 (Examiner)  
 District Court Peshawar

(79)

Cause of action accrued to the plaintiffs at the denial of the defendants in the jurisdiction of this august court few days ago.

(83)

NOSH  
NOSHEEN NISAR CIVIL JUDGE XVII  
PESHAWAR.

Respectfully sheweth,

1. That the plaintiffs are owners in possession of the property measuring 345 kanals and 19 marla consisting of khasra No.533,534,535 situated at Moza Shahi Bala Peshawar vide mutation No.2827 duly attested by revenue authorities and in this regard the entry has also been made in the Jamabandies of the revenue estate. ( copy of mutation is attached).
2. That the Govt has launched the residential housing scheme for Pak Army and for General Public at Peshawar known as **Defence housing Authority Peshawar (DHA)** and in this regard **Defence Housing Authority Peshawar Act 2009** with amendment 2010, was also passed and approved by the provincial assembly of Govt of KPK and DHA is a Corporate Body having its own governing Body and executive board.
3. That the authorities of DHA Peshawar defendants selected the area of Moza Shahi Bala, Moza Regi and other Mozas of Peshawar in which they acquired some of the land from the owners as they were agreed for doing so.

(83)

ATTESTED

(Signature)

Examiner  
District Court Peshawar

4. That the defendants/DHA, Peshawar also selected the property of the plaintiffs measuring 268 kanals out of 295 kanals and 19 marlas situated at Khasra Numbers 534,533,535 in Moza Shahi Bala Peshawar and approached the plaintiffs to hand over the possession of the said property on a very low price but the plaintiffs were not agreed on the said price/value fixed by them for the said land hence the plaintiffs refused.

*(Signature)*  
NOSHEEN NISAR CIVIL JUDGE VIII  
PESHAWAR. 12

5. That the DHA/defendants when left no stone unturned in order to compel the plaintiffs for handing over the said land, they started interference in the ownership and possession of the plaintiffs and threatened them for compulsory acquisition if they not accepted the offer of the DHA/defendants. The plaintiffs authorized one Muhammad Shafi Khalil S/O Muhammad Sa'ed R/O Shahi Bala Peshawar through registered power of attorney No.1348 Bahi No.4 Volume No.54 dated 4-11-2016 to negotiate with the DHA/defendants in order to solve the matter amicably hence the defendants and attorney of the plaintiffs were agreed upon the terms and conditions according to which the plaintiffs agreed to transfer the ownership along with possession of the said property i.e 268 kanals in khasra No.533,534 and 535 at Moza shahi Bala Peshawar and the defendants will hand over 67 numbers of files of plots in DHA Peshawar in lieu of the said 268 kanals property as mentioned above.

**ATTESTED**  
*(Signature)*  
District Court Peshawar

6. That in this regard a registered deed No.1935 Bahi No.1 Volume No.2207 dated 2-12-2016 was also executed between defendants and plaintiff, through their duly

authorized agent/representative and the possession of the said property measuring 268 karals in khasra number 533,534,535 at Moza Shahi Bala Peshawar was handed over to defendants and now, the DHA/defendants are in possession of the said property since the attestation/execution of the registered deed in their favour. (copy id attached).

*(Signature)*  
NOSHEEN NISAR CIVIL JUDGE AT PESHAWAR

- 7. That it is pertinent to mention here that the defendants/DHA Peshawar have bound downed themselves to hand over the said 67 files to plaintiffs but the defendants have failed to hand over the said 67 numbers of files of the plots at DHA Peshawar to plaintiffs since the attestation/handing over the possession and execution of the said registered deed and even they are reluctant to do so.
- 8. That the plaintiffs time and again approached the defendants to hand over 67 files of plots (one file is equal to 500 Sq.Meter/one kanal ) to plaintiffs as agreed upon by both the parties but they refused hence the present suit.
- 9. That the registered deed in question has duly been executed by defendants through their duly authorized representative and even in pursuance of the said registered deed, the defendants have also taken the possession of the said land from plaintiff and are in possession of the said land since the attestation of the said registered deed but they are reluctant to perform their part of agreement by handing over the 67 files of plots in DHA Peshawar which is illegal and void as the defendants are legally and morally bound to hand over 67 files of plots in DHA as mentioned in the registered deed.

*(Signature)*  
*(Signature)*

ATTESTED  
10/02/2022  
District Court Peshawar

10. That the defendants have grabbed the valuable property of the plaintiffs on the pretext of handing over the files as mentioned above and now, they are reluctant to perform their part of agreement which is illegal and void.

*[Handwritten signature]*

11. That it is pertinent to mention here that the property in question is situated at the front of Regi Model Town Peshawar, adjacent to Shiekh Ya-reen Model town and professor model town and moreover, the said property is also one of the precious and valuable property of the locality but the defendants have grabbed the same on a very low price however the plaintiffs are then agreed upon the commitments made by DHA Peshawar through execution of the said registered deed.

14

Not  
REGISTERED  
DHA PESHAWAR

*[Handwritten signature]*

12. That the plaintiff had also constructed some houses for their tenants as the said property was cultivated one and at the time of execution and handing over the possession of the said property, the plaintiffs have also demolished the said houses and even paid a huge compensation to their tenants hence the plaintiffs have also sustained a huge financial loss to this effect too.

13. That the plaintiffs time and again approached the defendants to hand over the 67 files of plots in DHA Peshawar to plaintiffs in lieu of the property transferred through registered deed in question and perform their duty but they were using delaying tactics and pretended one thing and other and at last refused hence the present suit.

NOT REGISTERED  
78/2022  
District Court Peshawar

- 14. That the suit has properly been valued for the purpose of court fee and jurisdiction and this august court got the jurisdiction to entertain the instant suit.
- 15. That the cause of action accrued to the plaintiffs at the denial of the defendants few days ago.

*(Handwritten mark)*

MOSHEEN NISAR CIVIL JUDGE  
PESHAWAR

It is therefore most humbly prayed that the suit of plaintiffs may kindly be decreed in favour of the plaintiffs against the defendants with special cost.

Plaintiffs *صاحبہ نسیم*

Through

*(Fingerprint)*

*(Signature)*  
Advocate

Verification

Stated that the contents are true and correct to the best of our knowledge and belief and nothing has been concealed from this august court.

Deponent *صاحبہ نسیم*

*(Fingerprint)*

UNTESTED

13/11/2022  
District Court Peshawar

(84)

**IN THE COURT OF NOSHEEN NISAR, CIVIL JUDGE-XVII,**  
**PESHAWAR,**  
**Civil Suits No.141/1**

1. Mst.Sabeeha W/O Mohammad Saeed
2. Mst.Faiqa Huma W/O Mohammad Shoaib
3. Mst.Shah Room Abdur Razzaq
4. Mst.Falak Naz W/O Mohammad Raiaq
5. Mst.Nasreen W/O Qasim Jan.All R/O Shahi Bala, Peshawar.

*(Handwritten signature)*

Plaintiffs

**VERSUS**

1. Assistant Director Land, DHA, Peshawa Cantt.
2. DHA, Peshawar through its Administrator, Peshawar Cantt.
3. Administrator, KP DHA, Peshawar.
4. Secretary, DHA, KP, Peshawar.

*(Handwritten mark)*

Defendants

Date of original Institution.....2/05/2019  
Date of Decision.....02/02/2020

*(Handwritten signature)*

**SUIT FOR SPECIFIC PERFORMANCE**  
**& DIRECTIVE INJUNCTION ETC**

Plaintiffs have brought the instant suit against the defendants for specific performance, decl ration, injunction for the reliefs as mentioned in the heading of the plaint.  
On 02/05/2019 the suit came up for hearing before Civil Judge-XVII, Peshawar and it was held that plaintiffs have succeeded to prove their stance through cogent and reliable evidence. Hence, suit of the plaintiffs is decreed in favour of plaintiffs against defendants with direction to hand over 67 numbers of files of plots measuring one kanal each in lieu of the property measuring 268 kanals at Moza Shahi Bala Peshawar transferred through registered deed in favour of defendants/DHA.

**ATTESTED**

14 FEB 2020  
*(Handwritten signature)*  
District Court Peshawar

*(Handwritten signature)*  
Nosheen Nisar  
Civil Judge-XVII,  
Peshawar



85

مقدمہ ہذا بتاریخ 2/5/15 کو عدالت حضور میں پیش ہوا اور مورخہ 2/2/20 کو حکم ہوا۔

Order No.15  
02/02/2020

Plaintiffs through attorney along with counsel present.

Vide my Summary Judgment of today, consists of 04 pages, copy separately placed on file. The suit of the plaintiffs is allowed and a decree is passed in the favor of plaintiffs as prayed for with direction to the defendants to hand over 67 numbers of files of plots (one kanal each) at DHA Peshawar to plaintiffs in lieu of the property transferred and handed over to DHA Peshawar through registered deed No.1935 Bahi No.1 Volume No.2207 dated 2-12-2016. No order as to cost.

Parties are left to bear their own costs.

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

Announced:  
02/02/2020

NOSHEEN NISAR  
CJ-XVII Peshawar

Seal

خرچہ نالاش

روپے	پیسے	مدعا علیہم	مدعی	روپے	پیسے
		/	اسٹامپ عرصہ سی وہی مہر سرکار دست نام		
			کل میزان		

حکم اخیر آج بتاریخ 2/2/20 کو بہ ثبت دستخط میرے اور مہر عدالت کے جاری ہوا۔

Seal

Seal

Seal

(Nosheen Nisar)  
Civil Judge-XVII,  
Peshawar

86

PW-1 (74)  
17-10-19

بیدار شکر میوه در کنار را تعداد گلاب در شمار میوه را

حلقاً بیان برآید میوه آج این میوه را

لاان میوه در غیر دست و در 1937/1938

73 قورض  $2 \frac{12}{16}$  کن لعل  $\frac{1}{2}$   $\frac{1}{16}$   $\frac{1}{16}$   $\frac{1}{16}$

لعداز در حلقه و این در حلقه - و در کورن

دست و نیز میوه را که در دست و در کورن

میوه - اسی طاج آج میوه این میوه را

تعداد در نام میوه 1348 - 54 - 54 - 54

میوه کن لعل -  $\frac{1}{2}$   $\frac{1}{16}$   $\frac{1}{16}$   $\frac{1}{16}$   $\frac{1}{16}$

و این در حلقه - و در کورن دست و نیز میوه را

حلقه در لعل در دست و در کورن

حالی میوه -

XXX شرح لوحه تکلیف وزارت

من کرد دست و در کورن

سوال در دست و در کورن

ATTESTED  
21 FEB 2022  
(Examiner)  
District Court Peshawar

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XXX

Main body of handwritten text, likely a letter or report, written in Urdu. The text is dense and covers most of the page.

(12)

Handwritten initials or a signature mark.

3-12-19  
P.L.S.

(86/A)

EXAMINER (Peshawar)  
District Court Peshawar

REGISTERED (PROG-XVII)  
PESHAWAR

ATTESTED

Handwritten signature/initials

Handwritten text in Urdu

Handwritten text in Urdu

Main body of handwritten text in Urdu, containing several lines of script.

(87)

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3-12-19  
Pw-3

(87)

(1)

PW-4  
3-12-19

بیان شد کہ محمد رفیع ولد محمد سعید ساکن شاہین والا شاہد

حلقہ بیان کیا کہ میں قدیمان کا اختیار نام ہوں

میرا اختیار نام " " سے مندرجہ 1/2 PW X ہے

جس میں ایسا اہل اختیار نام نام دستاویز نمبر 1348

ہے اور مندرجہ 1/4 PW کے عرصہ 4 1/16

نقل 1/4 PW ہے اور یہاں لفظ " " سے

قدیمان کے حق میں ایک انتقال نمبر 2827 مورخ

18 4/8 کو درج و اولیٰ ہو چکا ہے جس کی رو سے قدیمان

مندرجہ 1/4 PW ، 1/4 PW اور 1/4 PW موضع شاہین والا شاہد میں

جائیداد زمین برقمہ 19-345 کے مالکان و حاکمان میں سے

اور قبضہ نمبر 1/4 PW میں قدیمان کو دیا گیا اس نسبت

نقل انتقال پیشی کرتا ہوں جو کہ Annexure "A" ہے

قدیمان علیہ / DHA شاہد نے ہر اے باؤسٹ اسکیم "DHA"

کے موضع شاہین والا شاہد میں قدیمان کی زمین کو منتخب

کیا اور اس نسبت کافی گفت و شنید ہوئی

مقرر فرما کر DHA والوں نے قدیمان کو اس بات پر

تلفی کر کیا کہ ان کی زمین برقمہ 268 کنال واقع موضع

شاہین والا شاہد جو کہ قدیمان پر وہ انتقال نمبر 2827

*[Handwritten signature]*

20

93

*[Handwritten signature]*

MINUTES

19/12/19  
Munsif  
District Court F

Pw-4  
3-12-19

(2)

جائگان و قاضیان ہیں، DHA کے میراثے باؤسٹ اسکیم  
حاصل کریں گے اور ان کو باؤسٹ اسکیم کے لیے ایک  
عدد فائل نمبر دیا جائے گا یعنی  
268 کتاں کے لیے قاضیان کو (67) عدد فائل نمبر  
ایک ایک کتاں دیا جائے گا۔ اس نسبت DHA کے

~~Handwritten marks and scribbles~~  
(94)

نے اسٹ ڈیٹیکٹو لیٹر کے ذریعے  
ایک عدد بنو نام رجسٹرڈ دستاویز نمبر 1935  
ہیں اس لیے 2203 فورم 2 12 کو درج و

قائدان کرنا ہے۔ جس کا نقل ہے EXPW/

یہ عینہ میں اصل بنو نام / دستاویز نمبر 1935  
کے ہیں جس کا نقل ہے EXPW 4/2 ہے اصل  
کیا ہے صرف درج شدہ۔ مذکورہ دستاویز میں

Hall  
NOTIFIED IN THE DISTRICT  
PESHAWAR

دستی اور لکھو مختلف نام یعنی قاضیان دست  
کو اس نسبت مشہور ہے اور اس میں یہ سب

دستی اور لکھو مذکورہ نام دستی اور لکھو مختلف نام  
ہیں۔ جس میں مذکورہ دستاویز درج و لکھو  
بنو نام اس کے ساتھ DHA والوں نے صرف

ATTESTED

District Court Peshawar

یعنی نمبر 268 کتاں واقع موضع میں ہیں اور  
میراثے کے قاضیان سے حاصل کیا ہے حالانکہ

Pw-4  
3-1273

(3)

مذکورہ زمین پر کسی تعمیراتی کام نہیں  
 DHA والوں نے اس کو مستعمل کر لیا ہے اور صرف  
 جائیداد مذکورہ حاصل کیا ہے اور DHA  
 اسٹیم میں سٹا عمل کر کے چار دیواری تعمیر کرائی ہے  
 اور حاصل ان کے قندغ و لکڑی میں ہے اور ان کے زمین اسٹیم  
 ہے۔ DHA والوں نے حاصل بمطابق دستاویز 1935  
 ایک فائل/بلیک حوالہ عدلیان میں کیا ہے اور بار بار  
 تاحیری ہوئے استعمال کر رہے ہیں اور کبھی ایک بیان  
 اور کبھی دوسرا بیان ہے۔ حالانکہ عدلیان نے ان کو قندغ  
 جائیداد پر قندغ (265) کتاب حوالہ کیا ہے اور جسٹس  
 دستاویز راجہ و انڈیا کر رہے ہیں زمین DHA والے  
 حسب وعدہ و بمطابق دستاویز بیونا ح (67) عد  
 فائل پر قندغ ایک کمال بلیک دے سے انکاری ہیں  
 چونکہ عدلیان اور حلف قانون و حلف بیونا ح /  
 دستاویز 1935 ہے۔ عدلیان کا زمین قندغ DHA  
 نے حاصل کی ہے کسی قیمت کا فی زیادہ سے نہیں ہونے  
 DHA ایک فرور اور اور اثر و رسوم والا ادارہ ہے لہذا  
 عدلیان دھن لیں حسب وعدہ DHA ہم راضی ہے  
 اور ایک ایک کمال بلیک لبعوض ایک شریک لیں  
 عمل (67) عدلیان فائلز ہم راضی ہیں زمین

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ANTHES

18/11/2011  
District Court

(4)

PW-4  
3-12-15

DHA والے القاری ہیں لیکن اس پر عادی ہے کہ وہ جہاں  
 موعین ہر طرف قریباً 5 گز سے کہیں کے اعلیٰ  
 قاری فرماتا ہے میں اور علی عادیج / DHA کے  
 پاس خالی جگہ تھوڑے قریب کو (67) گز  
 قائل ہو رہا ہے ایک کسبیت DHA میں سوال  
 یہ کہ قریب کیوں کہ فرما رہا  
 ہے کہ اس کے پاس ہے۔

K.A.  
 23  
 (7)

سوا  
 70/11

I closed my  
 Evidence  
 Khan

ATTESTED  
 (Examiner)  
 District Court P...





















بیان حکم سب رجسٹرار

بھی نمبر اچلہ 21

کیفیت	نقل و مقدر رجسٹری شدہ	نمبر شمار شدہ جیات اور قسماں الیہ معادہ اور تعداد رجسٹرڈ ہونے والے دیگر ادارے اور تعداد تاوانیہ وصول شدہ	تے
<p>مالعائتہ متعلقہ زرعی اراضی مندرجہ بالا واقع موضع شہاہی بالا تحصیل و ضلع پشاور ملکیت اختیار دہندہ خان اصل مالکان (صفاہ نسرت، صفاہ جیدی، صفاہ شاہ رحم، صفاہ ملک ناز، صفاہ فائقہ بیہ المروف بیہ) حوالہ انتقال نمبر 2827 و حوالہ فریڈریک وار بیہ تحصیل کھہ حصہ منقسمہ رقبہ 295 فٹال 19 مردہ بیہ رقبہ 268 فٹال از منقسمہ بیات 534/533، 2892/533، 2896/535 (قطعات 3) زمین کھانا نمبر 1104/532-532/1085، 228، 227/959، 227/959 زر جمع بندی سال 09-2008 رقبہ 2 1/16 جبارہ کمرہ علاقہ پشور ایگرو مقبولہ بلا مشرک منقسمہ ہے جس میں جانب شمال فیچ یا سین 50 فٹ مشرک شمال میں ہے اب من مقررہ حالت و کیفیت فحشہ رو حسب اختیار دہندہ خان جہا شہاد</p>	<p>نمبر شمار شدہ جیات اور قسماں الیہ معادہ اور تعداد رجسٹرڈ ہونے والے دیگر ادارے اور تعداد تاوانیہ وصول شدہ</p>	<p>نمبر شمار شدہ جیات اور قسماں الیہ معادہ اور تعداد رجسٹرڈ ہونے والے دیگر ادارے اور تعداد تاوانیہ وصول شدہ</p>	<p>تے</p>

S 16 REGISTRAR-1 PESHAWAR

TESTESTED 11/11/2022 District Court Peshawar

# بہی نمبر ایلد

# بابت محکمہ سب رجسٹرار

22

پرست اور رات فہرہ رجسٹری میں	کیفیت	نقل وثیقہ رجسٹری شدہ	نمبر شمارندہ جات اور قہر و مالیت معا اور تعداد رجسٹریشن وغیرہ اور تعداد تاوان وصول شدہ	فہرست اسٹامپ اور ان تمام تجزیات ظہری کی نقل جو محکمہ رجسٹری میں اکٹھی گئی ہوں
------------------------------------	-------	----------------------	--	---

اینٹیکل نروسی (ارضی برقیہ) فیوڈا کلا 8826 کلا  
منڈکورو بالا ٹھہرواٹ شرفا رتھو خان  
ملو، غزنی اور سکا گریوٹی ملو کلا  
شمالی حصہ نمبر 53 جنوبی حصہ ریگی  
جمع جم حقوق مالکانہ نبرد و بیفیس  
ہاوسنگ سوسائٹی (DHA) نبرد  
انتہت ڈائریکٹر منیجر بیوٹن و بیسٹ  
انٹال پلاٹ فی جہر میں دی وی  
جوڑ میں و اختیار دیندہ مان  
کو و حوالہ سیم پیہ بیفیس و سنا و نر  
موزا بلور و منبر کے حساب سے (766 مربع)  
مائل ندر حوالہ اختیار دیندہ مان و بائٹان  
کی جائے۔ بیفیس و دخل مالکانہ ملو بیفیس  
موقع بر حوالہ DHA کیا گیا ہے۔ آئندہ  
کے لیے DHA اراضی منڈکورو بالا کا و امر  
مائل مالک و مالک بیفیس و سنا و نر  
دیگر جائیدادیں کا اراضی منڈکورو بالا کیا ہے  
کوئی تعلق یا واسطہ نہ رہا اور نہ ہوگا۔ اراضی  
بیفیس بالائے جملہ حقوق مالکانہ انتہالات  
معاذت بر دست نر کے ما بائٹان کی جانب  
سے DHA منڈکورو کو مکمل طور پر حاصل  
ہوئے۔ نیز اراضی بیفیس بالا ملو اراضی  
پر قسم با و نالٹ رہیں۔ بیفیس و نر  
سے پان و صاف اور برن انر قہر ہے۔

*(Handwritten signatures and stamps)*

ATTESTED  
1 JUL 2022  
District Court Peshawar



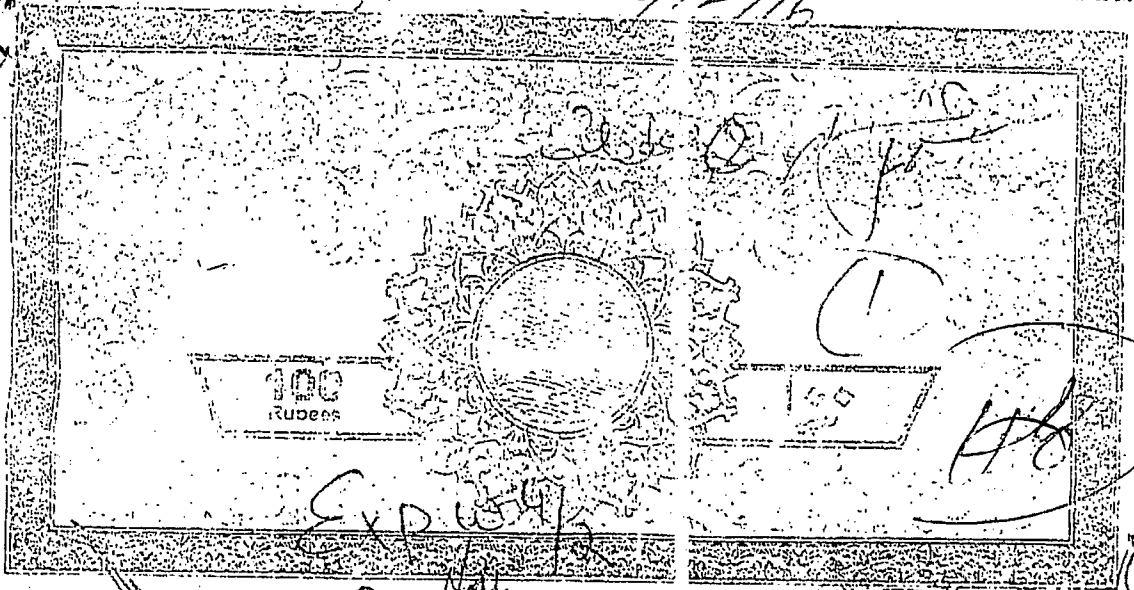


106

A296076

1935/1

2/12-116



بیان نامہ اراضی  
C.P. No. 3  
19

برقیہ تعدادی زرعی اراضی 268 کانال واقع رقبہ ضلع پشاور تحصیل و ضلع پشاور

منہ مسمی محمد شفیع ولد محمد سعید ساکن شانی بالا تحصیل و ضلع پشاور بحیثیت مختیار بجانب مسماة نسرين زوجہ قائم جان مسماة صبيدہ زوجہ محمد سعید، مسماة شاہ روم زوجہ عبدالرزاق، مسماة ملک ناز زوجہ محمد رفیق، مسماة فائقہ ہما المعروف ہما زوجہ محمد شعیب ساکنان شانی بالا تحصیل و ضلع پشاور بحوالہ مختیار نامہ رجسٹری شدہ دستاویز نمبر 1348/473، جلد نمبر 4، مورخہ 04.06.2016 بدفتر سب رجسٹرار پشاور جو کہ مختیار نامہ قائم رجسٹرڈ ہے بحال اور اختیار بندہ و کان بقہ حیات ہیں۔ بقا کی ہوش و حواس غمہ خود بلا جبر و ترغیب غیرے اقرار کر کے لکھ دیتے ہیں کہ زرعی اراضی برقیہ تعدادی (268 Kanal) منہ تحت زمین ماوانے شیخ یاسین 50 فٹ چوڑی سڑک اس رقبے میں شامل نہیں ہے و دیگر جملہ حقوق مالکانہ متعلقہ زرعی اراضی مذکورہ بالا واقع موضع شانی بالا تحصیل و ضلع پشاور ملکیت اختیار بندہ و کان اصل مالکان (مسماة نسرين، مسماة صبيدہ، مسماة شاہ روم، مسماة ملک ناز، مسماة فائقہ ہما المعروف ہما) بحوالہ انتقال نمبر 2827 و بحوالہ فرد نمبر وار باس تقسیم کے حصہ مستند برقیہ 295 کنال 19 مرلہ میں سے رقبہ 268 کنال از خسرو نہرات 534/1، 2892/533، 2896/535 (قطعات 3) زیر کھاتہ نمبر 1104/532، 228/1085، 227/959 از جمعندی سال 09-2008 مرتبہ 02.11.2016 جاری کردہ حلقہ پٹواری لف و مقبوضہ بلا شریک غیرے ہے جس میں جانب شمال شیخ یاسین سڑک شامل نہیں ہے۔ اس من مقرر اصالتاً و بحیثیت مختیار و حسب اختیار بندہ و کان ہائیدار پشاور



کتابت فی الحال ۱۱/۱۱/۱۹۳۵  
۱۱/۱۱/۱۹۳۵  
۱۱/۱۱/۱۹۳۵

۲۹/۱۱/۱۶  
۱۱/۱۱/۱۹۳۵

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601

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ATTESTED

(Signature)

(Examiner)  
District Court Peshawar

SUB-REGISTRAR  
PESHAWAR

SECRETARY  
DISTRICT COURT  
PESHAWAR

۱۲/۱۶/۳۵




کتابت فی الحال ۱۱/۱۱/۱۹۳۵







24

40726	  
ایڈوکیٹ: <u>ایس ایچ ایم ایچ</u>	
بار کونسل ایسوسی ایشن نمبر:	ریشا اور بار ایسوسی ایشن، نمبر پانچ سو ستونچواہ رابطہ نمبر:
رابطہ نمبر:	

بعدالت مناسبت: ایس ایچ ایم ایچ

پانچ سو ستونچواہ

مخاطب: <u>مخدومین</u>	دعویٰ: <u>ایس ایچ ایم ایچ</u>
<u>مسماة افسانہ بیگم</u> <u>بنام</u> <u>ایس ایچ ایم ایچ</u>	علت نمبر:
	مورخ:
	جرم:
	تھانہ:

مقدمہ مندرجہ عنوان بالا میں بی طرف سے واسطے بیروی و جواب وہی کاروائی متعلقہ

آن مقام ریٹائرمنٹ کے لیے ایس ایچ ایم ایچ کے لیے کوڈ کیل مقررہ

کر کے اقرار کیا جاتا ہے کہ صاحب موہ ف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بردہ ساہیے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز برت عدم بیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و بیروی نے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قاضی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ پر واختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوا، مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں۔ نہ کہ بیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 17-5-20

العبد ایس ایچ ایم ایچ

کے لیے منظور ہے

نوٹ: اس وکالت نامہ کی کوئی کاپی قابل قبول نہیں۔

18 FEB 2020  
 (Examiner)  
 District Court

110

Before the learned Civil judge Peshawar

Mst.Nasreen etc.....VS.....Assistant Director etc

P.O.F

List of witnesses on behalf of plaintiffs

38

Respectfully sheweth,

Nasreen  
NASREEN VISAR CIVIL JUDGE  
PESHAWAR

Plaintiffs want to submit list of witnesses as under

1. Plaintiffs in persons or through attorney along with complete record pertaining to the facts of the case.
2. Record keeper of Sub registrar office Peshawar along with complete record of Deed No.1348, Bahi No.4 Volume No.54 dated 4-11-2016 and deed No.1935 Bahi No.1 Volume No.2203 dated 2-12-2016.
3. Muhammad Rafiq S/O Abdul Latif Khan R/O Peshawar.
4. Qaiser Ali S/O Asmat Khan R/O Peshawar.
5. Muhammad Shafi S/O Muhammad Saeed R/O Peshawar.
6. Ayub Khan R/O Peshawar.
7. Defendants will be summoned through court if needed.

**TESTED**

Plaintiffs

Through

  
Advocate  
(Examiner)  
District Court Peshawar

*[Handwritten signature]*

سین پرانے اصالتاً حاضری

بعدالت جناب نوٹین ٹار سول جج - XVII، پشاور

عنوان: صباہ صبیحہ دین ڈاکٹر بلالہ ڈاٹ اینڈ سون

عدالت نمبر: 39

بسم: ① ڈاکٹر بلالہ ڈاٹ اینڈ سون (DHA) آفس سٹیٹہ اور گینٹ

② DHA ایڈالچہ آر پریسٹنٹس سٹیٹہ اور گینٹ

③ ایڈووکیٹس سٹیٹہ اور گینٹ

④ سٹیٹہ اور گینٹ

دانش ہو کہ ڈاکٹر بلالہ ڈاٹ اینڈ سون نے تمہارے نام ایک دعویٰ ثبت

دائریہ لہذا تم کو ہم نے تمہارا 11.6.2019 بوقت 3:30 بجے 4 اصالتاً حاضر ہوا اور

بیرونی ایسے مقدمہ کی کہ تم کو چاہئے کہ دو دستاویزات اس بارے میں پیش کرو جس پر تم ثابت کیا ہے جو ادویہ کی اصل کرنا چاہتے ہو۔

تم کو اطلاع دی جاتی ہے کہ اگر بروز کوہ تم حاضر نہ ہو تو مقدمہ تمہاری عدم موجودگی میں سماعت یا فیصلہ کیا جائیگا۔

یہ فیصلہ دستخط میرے اور ہمدالت کے آج تاریخ 24.5.19 جاری کیا گیا۔

*[Handwritten signature]*

ہمدالت

ATTESTED

*[Handwritten signature]*

Examiner  
Court Peshawar



113



انڈس

بدرالت جناب محمد صاحب A.D & SJ-XII، پشاور

نمبر	تاریخ	محل وقوع	فیصلہ	تعداد
05/6	12-04-2021	—	07-07-2021	44

انکوائری

نوعیت کا اذات	تعداد اذات	تعداد نمبر	نمبر
انکوائری	1	1	1/1
ادوارت نمبر	6	6	2/7
انکوائری رپورٹ	4	4	8/11
سرمادا کورٹ نمبر 397، امنیادو شہری سٹیٹس 2525/26	2	2	12/13
سوانات CW-10, CW-9, CW-3, CW-7, CW-6, CW-5, CW-4, CW-3, CW-2, CW-1	10	10	14/23
Ex. CW-10/1 کا B.C. 01/1	14	14	24/37
AD کا درجہ نوٹس ہائے	7	7	38/44
/	/	/	/

Checked & Found Correct

ATTESTED

ASJ-XII, Peshawar

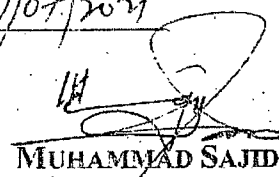
21/02

District Court, Peshawar

(114)

Order.....  
28/06/2021

Muhammad Saeer Incharge of Record Room Sessions Court, Peshawar present and was examined as CW-10. File to come up for final findings on inquiry/inquiry report on 07/07/2021



MUHAMMAD SAJID  
AD & SJ-XIII, Peshawar/  
Inquiry Officer.

Order.....  
07/07/2021

Inquiry report prepared.

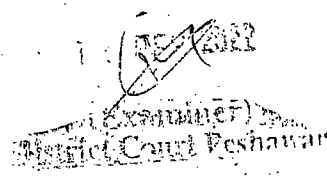
The inquiry report is submitted/sent to the court of Hon'ble District & Sessions Judge, Peshawar today whereas copy of the same placed on the instant case file. This file for safe custody is properly sealed with sign and seal of this court on opening cover of envelop. It shall be consigned in sealed form on letter of this court by office Incharge of record room.

Requisitioned record be transmitted back to the quarter concerned while file of this court be consigned accordingly.



MUHAMMAD SAJID  
AD & SJ-XIII, Peshawar/  
Inquiry Officer.

ATTESTED



Examiner  
District Court Peshawar

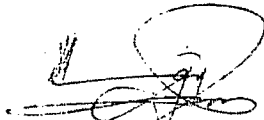
~~115~~ 115

Order

12.04.2021

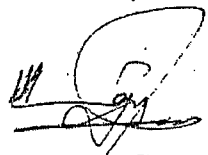
Inquiry with reference to letter No. 397 (MII) d.t. 06.04.2021 received from the court of learned District & Sessions Judge Peshawar wherein inquiry has been entrusted to the undersigned. It be checked and registered.

After perusal of the contents of complaint, Muhammad, this court is directed to requisition the record of Civil Suit No. 141 A of 2019 titled "Ms. Sabiha & others versus Assistant Director Land DHA & others" decided on 02.02.2019 from record room for further proceedings on 14-4-2021

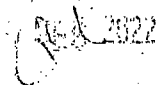
  
Muhammad Sajid  
Addl. District Judge-XIII,  
Peshawar/Inquiry Officer.

Order....  
14/04/2021

Record of cas. file bearing No.141/A of 2019 received, which reveals that the suit was instituted on 02.05.2019 and was marked on the same date by the learned Senior Civil Judge, Peshawar to the court of learned Civil Judge-XVII, Peshawar. Therefore, notice be issued to the reader of learned Senior Civil Judge, Peshawar to produce institution register for the year 2019 for 16.04.2021.

  
MUHAMMAD SAJID  
AD.& SJ-XIII, Peshawar.

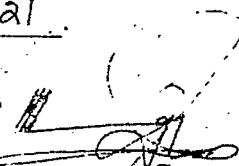
ATTESTED

  
Examiner  
District Court Peshawar



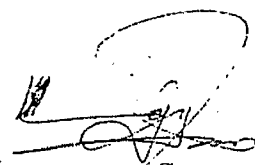
Order...  
16/04/2021

Mr. Qaiser Khan Reader attached to the court of learned Senior Civil Judge, Judicial, Peshawar present and was examined as CW-1. Comments be requisitioned from Miss. Nosheen Nisar, the learned Civil Judge in respect of her knowledge of the proceedings and authenticity of her signature on order sheets of the suit case. File to come up for further proceedings on 26/04/2021.

  
MUHAMMAD SAJID  
AD & SJ-XIII, Peshawar.

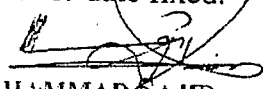
Order...  
26/04/2021

Comments from the learned Civil Judge concerned not received. Reminder be issued to Miss Nosheen Nisar as per order dated 16.04.2021. File to come up for submission of comments and further proceedings on 03/05/2021.

  
MUHAMMAD SAJID  
AD & SJ-XIII, Peshawar.

Order...  
03/05/2021

Letter bearing endorsement No.32/CJ-III dated 30.04.2021 received from Miss Nosheen Nisar, the learned Civil Judge, Mardan vide which the learned civil judge submitted for the perusal of original record before the submission of comments, therefore, the learned civil judge may peruse the original record in the court of undersigned on or before the date fixed. Intimation in this regard be issued to the learned judicial officer concerned. File to come up for further proceedings on 21-5-2021. Mr. Fazal-e-Mola Tehsil at DHA Peshawar be also summoned for the date fixed.

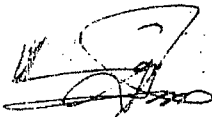
  
MUHAMMAD SAJID  
AD & SJ-XIII, Peshawar/Inquiry officer.

TESTESTED

SECRETARY  
JUDICIAL DEPARTMENT  
PESHAWAR

Order....  
21/05/2021

Mr. Fazal-e-Moula Qanoongo DHA, Peshawar present and was examined as CW-2. Miss. Nosheen Nisar, the learned Civil Judge, Mardan is also in attendance. perused the record of subject case and submitted her comments. Process server namely Waqas Ahmad and Hina Murtaza be summoned for 26-5-2021



**MUHAMMAD SAJID**  
AD & SJ-XIII, Peshawar/Inquiry officer.

Order....  
26/05/2021

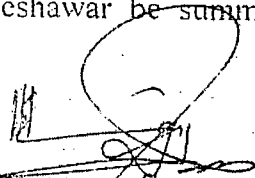
Miss Hina Murtaza and Waqas Ahmad Process Server, Peshawar present and were examined as CW-3 & CW-4. Naib Nazir attached to Senior Civil Judge, Peshawar alongwith register No.23 be summoned for 28-5-21



**MUHAMMAD SAJID**  
AD & SJ-XIII, Peshawar/Inquiry officer.

Order....  
28/05/2021

Sultan Ul Arifeen Naib Nazir attached to the Senior Civil Judge, Peshawar present and was examined as CW-5. Steno and Computer Operator attached to the court of learned Civil Judge- VII, Peshawar be summoned for 29-5-2021



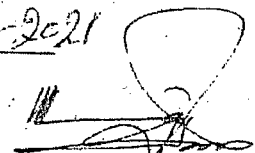
**MUHAMMAD SAJID**  
AD & SJ-XIII, Peshawar/Inquiry officer.

NOTES FILED  
2021  
District Court Peshawar

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Order.....  
29/05/2021

Muhammad Masood Khan Computer Operator attached to learned Judge Family Court-IV, Peshawar present and was examined as CW-6. Reader and Moharrir attached to the court of learned Civil Judge-XVII, Peshawar be summoned for 01-06-2021

  
MUHAMMAD SAJID  
AD & SJ-XIII, Peshawar/  
Inquiry Officer

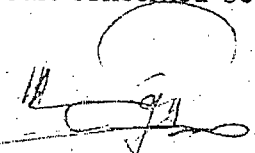
Order....  
01/06/2021

Muhammad Amir and Qaiser present but their statement were not recorded on account of engagement of in physical inspection of the court. File to come up for further proceedings on 11/06/2021

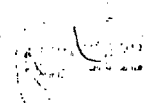
  
MUHAMMAD SAJID  
AD & SJ-XIII, Peshawar/Inquiry officer.

Order....  
11/06/2021

Muhammad Amir attached to the Court of Civil Judge-VIII, Peshawar present and was examined as CW-7. Moharrir and reader of the court concerned be summoned for 12/06/2021

  
MUHAMMAD SAJID  
AD & SJ-XIII, Peshawar/Inquiry officer.

ATTESTED

  
Examiner  
District Court Peshawar

~~102~~

Order...  
12/06/2021

Qaiser Khan Moharrir attached to the Court of Civil Judge-XVII, Peshawar present and was examined as CW-8. Reader & Naib Qasid of the court concerned be summoned for 17/06/2021.



MUHAMMAD SAJID  
AD & SJ-XIII, Peshawar/Inquiry officer.

Or.....  
17/06/2021

Mujahid Ali senior clerk/reader attached to the court of Civil Judge-XVII, Peshawar present and was examined as CW-9. File to come up for further proceedings on 23/06/2021.



MUHAMMAD SAJID  
AD & SJ-XIII, Peshawar/  
Inquiry officer.

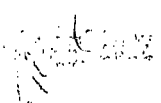
Order...  
23/06/2021

The available evidence and record suggest that the statement of Incharge of record room is very much essential regarding the matter in hand, therefore, the Incharge of record room be summoned for 28/06/2021.



MUHAMMAD SAJID  
AD & SJ-XIII, Peshawar/  
Inquiry Officer.

APPEARED

  
Advocate  
Peshawar Court Peshawar

INQUIRY REPORT

Order.....  
06/07/2021

1. This is a fact finding inquiry about the genuineness of conduct of proceedings and judgment in civil suit No.141/1 of 2019 titled "Mst. Sabiha and others Vs. Assistant Director Land, DHA and others". The inquiry in hand was entrusted to undersigned as inquiry officer by the order of Hon'ble District & Sessions Judge, Peshawar vide office order No.2525-26 dated 09.04.2021.
2. Brief facts are that a civil suit bearing No.141/1 of 2019 titled "Mst. Sabiha and others Vs Assistant Director Land, DHA and others" was shown instituted in the Court of learned Senior Civil Judge, Peshawar and the same was entrusted to the court of learned civil judge-XVII, Peshawar vide order dated 02.05.2019. After completion of trial, the subject case was decreed ex-parte vide judgment and decree dated 02.02.2020. The date of subject judgment was a non working day and the matter of subject judgment having been passed on the date falling on non working day i.e Sunday, was brought into the kind notice of Hon'ble Chief Justice of Peshawar High Court, Peshawar and his lordship had directed to look into the matter through an open inquiry.
3. Statements of following official were recorded:-
  - I. Mr. Qaiser Khan reader attached to the court of learned Senior Civil Judge(Judicial), Peshawar.
  - II. Mr. Fazal-e-Maula (Qanoongo DHA, Peshawar) representative of defendants.
  - III. Miss Hina Murtaza (Process server).
  - IV. Waqas Ahmad (process server).

ATTESTED

Assistant District Judge  
District Court Peshawar

- V. Sultan Ul Arifan (Naib Nazir) attached to the court of Senior Civil Judge, Peshawar.
- VI. Muhammad Masood Khan (Computer Operator) attached to the court of learned Judge Family Court-IV, Peshawar.
- VII. Muhammad Amir (Naib Qasid) attached to the court of learned Civil Judge-VIII, Peshawar.
- VIII. Qaiser Khan (Moharrir) attached to the court of learned Civil Judge-XVII, Peshawar.
- IX. Mujahid Ali (Senior Clerk/Reader) attached to the court of learned Civil Judge-XVII, Peshawar.
- X. Muhammad Saieer Incharge Record Room District Courts, Peshawar.
- XI. Comments were also called from Miss Nosheen Nisar, Civil Judge-XVII, Peshawar presently posted as Civil Judge at District Mardan and placed on file alongwith statement of above mentioned officials.

4. No doubt, the subject judgment was passed on non working day i.e Sunday but during the course of inquiry it came into the notice of undersigned that the institution and proceedings as well as the order sheets in the subject case file were forged, fake and fabricated on the grounds:-

- I. The order sheet bearing No.1 dated 02.05.2019 containing the signatures of learned Senior Civil Judge, Peshawar vide which the subject case was entrusted to the Court of learned Civil Judge-XVII, Peshawar was scanned and not original.
- II. The register of institution/marketing of suits etc of the year 2019 did not contain any entry regarding the institution of case file of subject suit.

ATTESTED

06/07/2021  
District Court Peshawar

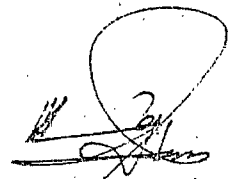
- III. The record of Maib Nazir i.e register No.23 is silent about the receiving of summons in respect of subject case from the court of learned Civil Judge-XVII, Peshawar.
- IV. Representative of defendants was shown present during proceedings of the subject case vide order sheets dated 11.06.2019, 27.06.2019, 03.07.2019 and 26.07.2019 but said representative of defendants namely Fazl-e Maula has totally denied his appearance before the court concerned coupled with the fact that no authority letter in the name of above named representative is available on the record of the case.
- V. Two order sheets were shown written on single date of 21.12.2019 bearing two different numbers i.e Or.....13 & Or.....14.
- VI. The subject judgment was shown passed on 02.02.2020 but no short order of the same date was available on the record of the case.
- VII. There is no reference of the dates of subject case file in cause lists as well as in register Peshi.
- VIII. The margin on paper of order sheet No.3 to last one is in sequence, which in ordinary course, is not possible.
- IX. Visible and apparent variations in the signatures of presiding officer of the court on order sheets, which are not matching each other.
- X. Process server concerned has shown ignorance and denied service of summons in the subject case.
- XI. There is entry of subject case file in register Faisla Bahi without bearing any specific number.

ATTESTED

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5. The subject case file was entered by Moharrir Qaiser Khan in register No. , register Faisla Bahi, challan book and he also admitted receiving of subject case file as well as its consignment to the record room, therefore, it could be held that Moharrir of the court namely Qaiser Khan, being custodian of record as well as aware of the forged entry of subject case file in the record, seems to be prima facie involved in the matter. Secondly, the reader of the court namely Mujahid Khar was the custodian of register faisla bahi wherein reference of subject case file has been given but without any serial number. If the stance of the reader namely Mujahid Khar regarding his ignorance be taken to be true, even then he is guilty of negligence. The report, so compiled is submitted. please.



(Muhammad Sajid)

Add: District & Sessions Judge-XIII,  
Peshawar/Inquiry Officer

C-304

Date of Application	18. 2. 22
Name of Applicant	7/18/22
Address	106
Signature of Applicant	[Signature]
Date of Receipt	18. 2. 22
Dated of Entry	18. 2. 22

CERTIFIED TO BE TRUE COPY  
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 (Examiner)  
 Copying Agency District Court  
 Peshawar



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DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Ph#091-9210099 Fax#091-9212419  
eMail:scPeshawar@yahoo.com  
web: SessionsCourtPeshawar.gov.pk

No. 5603  
Dated Peshawar 01/10/21

CHARGE SHEET

I, **Ashfaque Taj**, District & Sessions Judge Peshawar, as competent authority, hereby charge you, **Mujahid Ali, Se.ior Clerk/Reader** as follow:

1. That you, while posted as Reader to the Court of the Ms. Nosheen Nisar, the then Civil Judge-XVII Peshawar, committed the following irregularities:
  - a. You were custodian of Faisla Bari in the Court of learned CJ-XVII, Peshawar and entry of a fake decree titled "Mst: Sahiba & others ...vs... Assistant Director Land, DHA & others" was made in the Faisal Bari.
2. By reason of the above, you appear to be guilty of **inefficiency and misconduct** under Rules-3(a) & (b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule-4 of the rules ibid.
3. You are, therefore, required to submit your written defense within **seven** days of the receipt of this charge sheet to the Inquiry Officer.
4. Your written defense, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case, ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.

ATTESTED

*[Signature]*

(Examiner)  
District Court Peshawar

*[Signature]*  
**[ASHFAQUE TAJ]**  
District & Sessions Judge/  
Competent Authority,  
Peshawar.



**DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR**

Ph#091-9210099 Fax#091-9212419  
eMail: scPeshawar@yahoo.com  
web: SessionsCourtPeshawar.gov.pk

No. 5602  
Dated Peshawar 01/10/21

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**DISCIPLINARY ACTION**

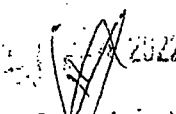
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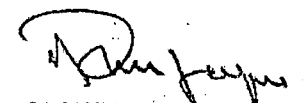
I, **Ashfaqe Taj**, District & Sessions Judge, as competent authority, am of the opinion that **Mujahid Ali, Senior Clerk/Reader** has rendered himself liable to be proceeded against, as he committed the following act/omission, within the meaning of Rules-3(a) & (b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

**STATEMENT OF ALLEGATION(S)**

- a. You were custodian of Faisal Bahi in the Court of learned CJ-XVII, Peshawar and entry of a fake decree titled "Mst: Sahiba & others .vs.. Assistant Director Land, DHA & others" was made in the Faisal Bahi.
2. For the purpose of inquiry against the said accused with reference to the above allegations, Mr. Fazal Nasir Shah, learned Senior Civil Judge (Judicial), Peshawar is appointed under Rule 10(1)(a) of the rules ibid.
3. The inquiry officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record his findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and Mr. Sajjad Ahmad Jan, Assistant/representative of this office, shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

**ATTESTED**

  
(Examiner)  
District Court Peshawar

  
[ASHFAQE TAJ]  
District & Sessions Judge/  
Competent Authority,  
Peshawar.

To,

The District & Sessions Judge, Peshawar.

Subject: Reply to charge sheet No.5602 dated:02/10/2021 on behalf of Mujahid Ali, Senior Clerk/Reader.

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Most Respected Sir,

The undersigned most humbly submits as under for your Kind considerations:-

- I. That the undersigned received the Charge Sheet on 02/10/2021, hence, his reply is as follow:-
  - i. The undersigned appeared before the Inquiry Officer and falsify all the allegations leveled against him on the following amongst other grounds:-
    - a. Undersigned has neither enter the disputed case ( Mst: Sabiha & others..Vs.. Assistant Director Land, DHA & others in his "Court's daily paishi register".
    - b. Nor any cause list of the court cases bears such case;
    - c. Nor any other relevant record of learned court supports such baseless allegations
    - d. As regard to entry in "The Faisal Bahi", the undersigned with utmost respect submits that:-

I. There are two Faisala Bahi Register:-

- One is lying with the undersigned's but not in absolute custody of the undersigned as it always available in the open wooden Cupboard inside the court room;
- Another Faisala Bahi Register is kept under custody of the Nahib-Nazir/Moharir of the learned court;

II. Entry in the Faisal Bahi in question on the face of it is bogus, fake, fabricated, engineered, manufacture, planted and forged for the reasons that:-

- ✓ Faisala Bahi Register available with the undersigned carries several entries as per serial numbers and the alleged entry was made at illogical, ugly, irrational and unreasonable place after serial No.4 dated:02/02/2020 regarding the case title of Zakar Ullah..Vs..Commander decided on 06/02/2020 at the end of page without giving any serial number, while in the month of February, 2020 the sixty nine (69) cases in total were

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FAZAL NASIR SHAH  
Senior Civil Judge, (Judicial)  
Peshawar

07.10.21  
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ATTESTED

(Examiner)  
District Court Peshawar

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decided by then learned Civil Judge-XVII, Peshawar and not seventy (70), without including the disputed case which is in a very clear manner mentioned at the very last page of the Faisala Bahi Register after the registration of the case under the title of Bakht Amal. Vs. Sarwar decided on 27/02/2020;

- ✓ The undersigned is not a custodian of "Challan Book" whereby the alleged and disputed case was cosigned;
- ✓ All the cases mentioned in the Faisala Bahi Register kept in court were in sequence and as per serial number while the disputed entry is without serial number and at wrong place.
- ✓ Other than the disputed entry all other entries were entered into Faisala Bahi Register by the undersigned by using Pointer, while the disputed entry is made by other person, apparently the pen and handwriting of the disputed entry and other entries altogether different;
- ✓ It is pertinent to mention here that the Faisala Bahi Register kept in the court room after entry of the decided case(s) handed-over to the Moharir of the court for comparison, who after tallying/ comparing the Original particulars of decided case with the Faisala Bahi Register taken by him from the court room then prepare the monthly, after every three months for the inspection and yearly "Goshwara". Another vital aspect of disputed cases if anything wrong would have been done then, the Moharir of the court would have pointed-out the defect, shortcomings and lacunas in the Faisala Bahi Register kept in court and while preparing the "Parcha Decree";
- ✓ Over and above the Faisala Bahi Register kept by the Moharir is carrying 20/2/2020 which speaks volume about the deliberate wrong and incorrect entry in the Faisala Bahi Register;
- ✓ It also shows that the Mohrir neither compare/tally his record with the original record and file of the case nor deliberately included the disputed case in any "goshwara" nor had any original document at the time of preparing the Parcha Decree; which is sufficient to belie the allegations leveled against the undersigned;
- ✓ The perusal of both the Faisala Bahi Registers categorically reflects that the disputed addition regarding the dates in the Faisala Bahi Registers is an afterthought and was wrongfully added after the initiation of the inquiry to blame the undersigned and save the actual culprits, seemingly he was clever but not too clever as he has left behind several gaps and lacunas, which are sufficient for the exoneration of the undersigned;
- ✓ So, if the undersigned would be guilty of forgery then being conversant with the calendar and diary he would be aware and conscious that 12/02/2020 was Sunday (Weekend) and not working day;

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FAZAL NASIR SHAH  
Senior Civil Judge (Judicial)  
Peshawar  
07.10.21

ATTESTED

  
(Examiner)  
District Court Peshawar

2. The undersigned requests your good-self to send all the Faisala Bahi Registers, "challan book" and other relevant documents to handwriting expert, Forensic Science Laboratory (FSL) for and other concern authority for fixing liabilities upon actual culprits and use "separate the chafe from grain".