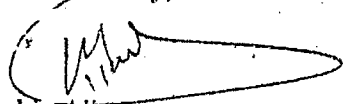


- 3. The undersigned is an innocent and guiltless, has neither committed any offence nor the act of inefficiency nor misconduct nor any other act of corruption as envisaged in rule 3 sub rule (a) & (b) of Khyber Pakhtunkhwa Servants (Efficiency & Discipline) Rules, 2011.
- 4. That the undersigned has twenty two (22) years old unblemished and untainted service record.

In view of above, it is therefore, most respectfully requested that the Inquiry against undersigned may kindly be dropped.

It is also requested that the undersigned may also be discharged from the alleged charges and exonerated from the allegations leveled against him and he may also provided a full opportunity of being heard in person.

Yours Obediently,



Mujahid Ali,  
Senior Clerk/Reader,  
Civil Judge- XVII, Peshawar.

0-1  
0/10  
M

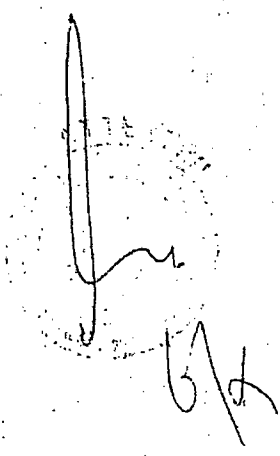
FAZAL NASIR SHAH  
Senior Civil Judge. (Judicial)  
Peshawar  
07.08.21  
Affidavit.

I, Mujahid Ali, Senior Clerk/Reader, Civil Judge- XVII, Peshawar. solemnly state, declares and affirm that the contents of this affidavit and the contents of the reply are true and correct to the best of my information, knowledge and belief.

ATTESTED

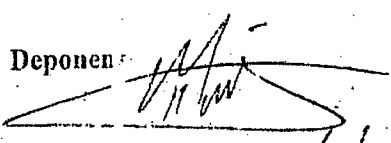
21/08/21

(Examiner)  
District Court Peshawar



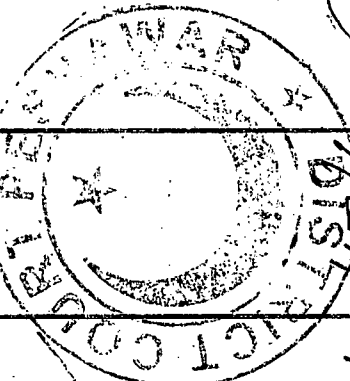
Deponent

Mujahid Ali,  
Senior Clerk/Reader,  
Civil Judge- XVII, Peshawar.  
CNIC#1-301-3338673-1



06/10/2021

129	7/11	8/11	9/11	10/11	11/11	12/11	1/11	2/11	3/11	4/11	5/11	6/11	7/11	8/11	9/11	10/11	11/11	12/11	
2001-10-2	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
03/2/200	04/2/200	05/2/200	06/2/200	07/2/200	08/2/200	09/2/200	10/2/200	11/2/200	12/2/200	13/2/200	14/2/200	15/2/200	16/2/200	17/2/200	18/2/200	19/2/200	20/2/200	21/2/200	22/2/200
03/2/200	04/2/200	05/2/200	06/2/200	07/2/200	08/2/200	09/2/200	10/2/200	11/2/200	12/2/200	13/2/200	14/2/200	15/2/200	16/2/200	17/2/200	18/2/200	19/2/200	20/2/200	21/2/200	22/2/200
06/2/200	07/2/200	08/2/200	09/2/200	10/2/200	11/2/200	12/2/200	13/2/200	14/2/200	15/2/200	16/2/200	17/2/200	18/2/200	19/2/200	20/2/200	21/2/200	22/2/200	23/2/200	24/2/200	25/2/200
06/2/200	07/2/200	08/2/200	09/2/200	10/2/200	11/2/200	12/2/200	13/2/200	14/2/200	15/2/200	16/2/200	17/2/200	18/2/200	19/2/200	20/2/200	21/2/200	22/2/200	23/2/200	24/2/200	25/2/200
06/2/200	07/2/200	08/2/200	09/2/200	10/2/200	11/2/200	12/2/200	13/2/200	14/2/200	15/2/200	16/2/200	17/2/200	18/2/200	19/2/200	20/2/200	21/2/200	22/2/200	23/2/200	24/2/200	25/2/200
06/2/200	07/2/200	08/2/200	09/2/200	10/2/200	11/2/200	12/2/200	13/2/200	14/2/200	15/2/200	16/2/200	17/2/200	18/2/200	19/2/200	20/2/200	21/2/200	22/2/200	23/2/200	24/2/200	25/2/200



16 MAY 2022

District Court of the District of Columbia

130  
 dated 01-2-2020

# No. 1 - CIVIL SUIT REGISTER

8	7	6	5	4	3	2	1
ریکارڈ نمبر	حکم	توجیہ / عنوان	نام مدعا علیہ	نام مدعیان	رجوع	مقدمہ نمبر	نمبر شمار
08/0/2020	08/0/2020 Summons Judgment	12(2) 12(2) 12(2)	12(2) 12(2) 12(2)	12(2) 12(2) 12(2)	12(2) 12(2) 12(2)	573/19	5
08/2/2020	08/2/2020 Summons Judgment	12(2) 12(2) 12(2)	12(2) 12(2) 12(2)	12(2) 12(2) 12(2)	12(2) 12(2) 12(2)	2-4-18 08/12	6
08/2/2020	08/2/2020 Summons Judgment	12(2) 12(2) 12(2)	12(2) 12(2) 12(2)	12(2) 12(2) 12(2)	12(2) 12(2) 12(2)	10/9/15 32/10	7
08/2/2020	08/2/2020 Summons Judgment	12(2) 12(2) 12(2)	12(2) 12(2) 12(2)	12(2) 12(2) 12(2)	12(2) 12(2) 12(2)	30/1/15 36/1	8

ATTESTED  
 18 MAY 2022  
 JUDGE  
 DISTRICT COURT PESHAWAR



(132)

Page 01-2-2020

# No. 1 - CIVIL SUIT REGISTER

8	7	6	5	4	3	2	1
ریکارڈ نمبر	علم	نوعیت / عنوان	نام مدعا علیہ	نام مدعیان	رجوع	مقدمہ نمبر	نمبر شمار
10/2/2020	حق	توصیفی عدالت	عبدالرحمن	امیر محمد	21/3/19	31/6	16
10/2/2020	حق	4	سید علی	محمد سعید	2/4/19	50/6	16
11/2/2020	حق	توصیفی عدالت	ATTESTED JUDGE (Civil Judge) District Court Peshawar	9-11-12	64/6	17	
11/2/2020	حق	توصیفی عدالت	سید علی	"	06/9/19	36/6	17
21/3/20	21/3/20						

11/2/11	(133)	Summary	11/2/11	312	11/2/11	10/1/11	22/1/11	10/1/11	29
11/2/11		Summary	11/2/11	312	11/2/11	10/1/11	10/1/11	10/1/11	29
12/2/11		Summary	12/2/11	312	12/2/11	10/1/11	10/1/11	10/1/11	29
11/2/11		Summary	11/2/11	312	11/2/11	10/1/11	10/1/11	10/1/11	29
12/2/11		Summary	12/2/11	312	12/2/11	10/1/11	10/1/11	10/1/11	29
11/2/11		Summary	11/2/11	312	11/2/11	10/1/11	10/1/11	10/1/11	29
12/2/11		Summary	12/2/11	312	12/2/11	10/1/11	10/1/11	10/1/11	29
11/2/11		Summary	11/2/11	312	11/2/11	10/1/11	10/1/11	10/1/11	29
12/2/11		Summary	12/2/11	312	12/2/11	10/1/11	10/1/11	10/1/11	29

ARRESTED  
 18 MAY 2012  
 DISTRICT COURT

134

Dated 01-2-2022

# No. 1 - CIVIL SUIT REGISTER

8	7	6	5	4	3	2	1
ریکارڈ نمبر	حکم	توعیت/ عنوان	نام مدعا علیہ	نام مدعیان	رجوعہ	مقدمہ نمبر	نمبر شمار
12/8/2021	مذکورہ	مذکورہ	مذکورہ	مذکورہ	18/12/19	590/1	24
12/8/2021	مذکورہ	مذکورہ	مذکورہ	مذکورہ			25
12/13	مذکورہ	مذکورہ	مذکورہ	مذکورہ	20/12/18	325/1	
13/2/2021	مذکورہ	مذکورہ	مذکورہ	مذکورہ	10/12/20	82/6	21
	مذکورہ	مذکورہ	مذکورہ	مذکورہ	17/1/2020	75/1	22

MAY 2022  
 DISTRICT COURT PESHAWAR

3/2/20	135	135/1	20/4/19	30/4/19	135/1	28
3/2/20	N	N	N	19/4/19	542/1	29
3/2/20	N	N	N	00/1/2020	34/1	30
4/2/20	Summer	Summer	Summer	17/12/19	587/1	31
4/2/20	Summer	Summer	Summer	18/1/19	541/1	32

WANTED

18 MAY 2022

18 MAY 2022

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# No. 1 - CIVIL SUIT REGISTER

7	6	5	4	3	2	1
رقم	توصیت / عنوان	نام مدعا علیهم	نام مدعیان	رجوع	مقدمہ نمبر	نمبر شمار
17/2/2020	السید ابرار	X-2	محمد حسین	07/1/20	20/1	33
17/2/2020	السید ابرار		محمد حسین	10/2/18	549	34
17/2/2020	السید ابرار		محمد حسین	17/10/19	431/1	35
18/2/2020	السید ابرار		محمد حسین	25/11/19	559/1	36
18/2/2020	السید ابرار		محمد شہباز خان	16/12/19	584/1	37

ANNEXED

18 MAY 2022

DISTRICT COURT PESHAWAR

136  
10-2-2020

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18/2/81

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Swiss

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5/11/80

482/1

(137)

19/2/81

11/11/80

11/11/80

11/11/80

26/10/80

453/1

19/2/81

11/11/80

11/11/80

11/11/80

21/1/80

41/10

19/2/81

11/11/80

11/11/80

11/11/80

6-4-18

28/6

19/2/81

11/11/80

11/11/80

11/11/80

20-6-11

266/1

19/2/81

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11/11/80

17/11/17

08/10

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Dated 01-2-2020

(138)

No.1 -- CIVIL SUIT REGISTER

8	7	6	5	4	3	2	1
ریکارڈ نمبر	تعم	نوعیت / عنوان	نام مدعا علیہم	نام مدعیان	رجوع	مقدمہ نمبر	نمبر شمار
	19/2/2020	توصیف کیلئے صلح نامہ 12/2/20	محمد سعید	محمد سعید	25/10/19	60/6	44
	19/2/2020	خارجہ N/A	محمد سعید	محمد سعید	14/5/19	05/12	45
	20/2/2020	Summarized N/A	محمد سعید	محمد سعید	2-1-6-18	155/1	46
	20/2/2020	Summarized N/A	محمد سعید	محمد سعید	17/12/19	588/1	47
	19/2/2020	Summarized Judgment	محمد سعید	محمد سعید	2/11/19	469/1	48
		Summarized Judgment					
		Summarized Judgment					

48 MAY 2022

JUDICIAL OFFICE  
Civil Court



(140)

10/2020-2021-2022

# No. 1 - CIVIL SUIT REGISTER

8	7	6	5	4	3	2	1
ریکارڈ نمبر	تعم	نوعیت/عنوان	نام مدعا علیہم	نام مدعیان	رجوعہ	مقدمہ نمبر	نمبر شمار
	24/01/2020	دوسری درخواست / 200	مفتی محمد	محمد رفیق	10-5-18	423/	55
	" "	دوسری درخواست / 200	محمد رفیق	محمد رفیق	7/2/2020	146/	56
	25/01/2020	دوسری درخواست / 200	محمد رفیق	محمد رفیق	23/12/2019	603/	57
	25/02/20	دوسری درخواست / 200	محمد رفیق	محمد رفیق	19/7/2019	49/	58
	25/02/20	دوسری درخواست / 200	محمد رفیق	محمد رفیق	9/11/19	100/6	59

10 JAN 2022  
 10 JAN 2022  
 (Examined)  
 (For our use only)

(11)

26/2/2002

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18/10/11

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26/2/2002

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8-1-2002

08/6

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27/2

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11/11/11

5-4-11

411/11

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11 MAY 2011

11 MAY 2011

11 MAY 2011

148  
Date 01-2-2020

### No.1 - CIVIL SUIT REGISTER

8	7	6	5	4	3	2	1
ریکارڈ نمبر	تاریخ	ذمیت / عنوان	نام مدعا علیہ	نام مدعیان	رجوعہ	مقدم نمبر	نمبر شمار
	27/2/2020	ذمیت / عنوان	زاربہ اصفیاء	زاربہ اصفیاء	15/1/18	06/6	66
	27/2/2020	ذمیت / عنوان	سیدہ فاطمہ	سیدہ فاطمہ	08/3/14	17/6	67
	27/2/2020	ذمیت / عنوان	سیدہ فاطمہ	سیدہ فاطمہ	8/7/19	133/1	68
		ذمیت / عنوان	سیدہ فاطمہ	سیدہ فاطمہ	5/12/11	108/6	69
		ذمیت / عنوان	سیدہ فاطمہ	سیدہ فاطمہ			

Ann-J

143

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

No.83 (DAS) 242 Dated Peshawar, the 12 / 01 /2022

**SHOW CAUSE NOTICE**

I, Ashfaqe Taj, District & Sessions Judge, Peshawar, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 do hereby serve you, Mujahid Ali, Senior Clerk/Reader as follow:

1. That, you were posted as Reader to the Court of Ms. Nosheen Nisar, the then Civil Judge-XVII, Peshawar, and as such custodian of Faisal Bahi of the said court, wherein entry of a take decree titled "Mst: Sahiba & others ...vs... Assistant Director Land, DHA & others" was made in the Faisal Bahi. Formal inquiry has been conducted in the matter and report thereof has been submitted.

2. On going through the findings of the Inquiry Officer, the material on record and other connected papers including your defense before the inquiry officer:

I am satisfied that you have committed the following acts/omissions specified in Rule-3 (a) & (b) of the said rules.

**a. Inefficiency and misconduct**

3. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the one of the penalties provided under rule 4 of the rules ibid.

4. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

5. If no reply to this notice is received within seven days of its delivery, it shall be presumed that you have no defense to put in, and in that case, an ex-parte action shall be taken against you.

6. A copy of findings of Inquiry Officer is enclosed herewith.

*Ashfaqe Taj*  
**[ASHFAQE TAJ]**  
District & Sessions Judge,  
Peshawar.  
dated: 12/01/2022

NO. 243

Copy forwarded to worthy Registrar, Peshawar High Court, Peshawar, for information, please.

**ATTESTED**

2

*Ashfaqe Taj*  
District & Sessions Judge,  
Peshawar.



144

Received today  
19-01-2022

To,  
The District & Sessions Judge, Peshawar.

Subject: Reply to Show Cause Notice No.83 (DA ) dated:12/01/2022 on behalf of  
Mujahid Ali, Senior Clerk/Reader.

Most Respected Sir,

The undersigned most humbly submits under for your Kind and favourable action and consideration:-

I. That the undersigned received the Show Cause Notice No.83 (DAS) dated:12/01/2022, hence, his most respectful and humble reply is being given as under in order to prove his innocence:-

Before going towards the detail reply of the show cause notice, it will more appropriate to reproduce the Paragraph No.12 of the Inquiry Report in case No. 13/6 of 2021 dated:03/01/2022:-

"The learned Additional District & Sessions Judge-XIII, Peshawar in the preliminary inquiry dated 06.07.2021 has found the accused/official as guilty of negligence. I also concur with the learned Additional & District Judge-XIII, Peshawar and hold that the accused has made negligence in keeping the record safe which was in his custody. He is not involved in the making, preparation and sending the fake decree to the Record Room."

Note:

*The above under lines have been drawn to properly assist the learned District Judge, Peshawar.*

1. The above findings/observations in paragraph No 12 of the inquiry report has exonerated from other charges except the under-mentioned one:-

i. "I also concur with the learned Additional & District Judge-XIII, Peshawar and hold that the accused has made negligence in keeping the record safe which was in his custody."

Note:

*The above under lines have been drawn by the undersigned to properly assist the learned District Judge, Peshawar in accordance with facts and law.*

ii. It is an admitted fact that the undersigned not present in court room always and he had to leave the court room with the permission of the learned presiding of the concern court or he because his not availability in the court room due to his leave

iii. He is not only custodian of the keys of the court room.

- iv. Undoubtedly, the undersigned never in sole custody of the said record and during his unavailability it remains in accesses of all the court staff.
- v. It was/is not possible for the undersigned to keep in sole possession and custody as the said record is always requires for daily entries purposes even during his leave days.
- vi. That the undersigned during his 22 years of his service unblemished record never faced any such proceeding.
- vii. That the undersigned has not repeated the contents of his reply in respect of the charge sheet, hence, the same may kindly be considered as an integral part of this reply and the same also be read as such.

In view of above, it is therefore, most respectfully requested that the the undersigned may kindly be exonerated from all charges.

It is also requested that all the allegations against him may kindly be waived off against the undersigned and he may also be provided a full opportunity of being heard in person.

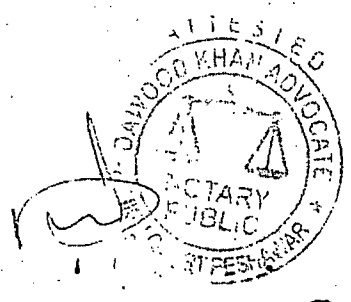
Yours Obediently,

*Mujahid Ali*  
Mujahid Ali

Senior Clerk/Reader,  
Civil Judge XVII, Peshawar.

Affidavit.

I, Mujahid Ali, Senior Clerk/Reader, Civil Judge- XVII, Peshawar, solemnly state, declares and affirm that the contents of this affidavit and the contents of the reply are true and correct to the best of my information, knowledge and belief.



19-01-2022

Deponent

Mujahid Ali *Mujahid Ali*

Senior Clerk /Reader,  
Civil Judge XVII, Peshawar.

CNIC#17301-3338673-1

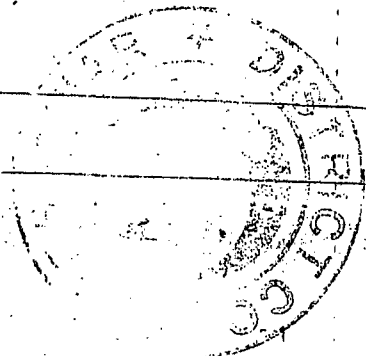
**ATTESTED**  
21  
(Examined)  
District Court Peshawar

DISTRICT COURT (MADRAS)

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ATTESTED

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830-230	11	Handwritten text
815-219	05	Handwritten text
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163-116	04	Handwritten text
138-163	85	Handwritten text
137-137	01	Handwritten text
100-100	37	Handwritten text
34-99	66	Handwritten text
88-33	6	Handwritten text
87-87	01	Handwritten text
8-86	19	Handwritten text
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1-4	04	Handwritten text
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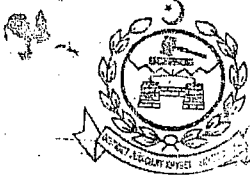
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146

Handwritten signature 'Anu-K'



**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

**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, PHA & 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 12/09/2021, to proceed against the identified delinquent officials under the E&D Rule, 2011, as well as to initiate criminal proceedings against the beneficiaries of fake judgment and other accomplices.

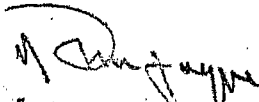
NOW THEREFORE, Mr. Fazal Nasir Shah, learned Senior Civil Judge (Judicial), Peshawar is appointed as Inquiry Officer to proceed against the delinquent official i.e. Mujahid Ali, Senior Clerk/Reader, under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, as well as to identify 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.

**ATTESTED**

2022

(Examiner)  
District Court Peshawar

  
[ASHFAQUE TAL]  
District & Sessions Judge,  
Peshawar.

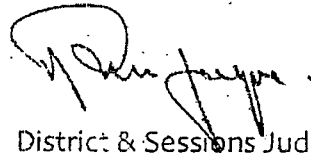
148

170

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 proceeding 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

21/10/2021

(Examiner)  
District Court Peshawar

169

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خدمت صاحب عدالت سید سول جی فوڈیشن / آنڈوئری آنسٹر

عنوان: آنڈوئری مصدق محمد رحمان SC - 4

FAZAL NASEER SHAH  
Senior Civil Judge (Judicial)  
Peshawar

27

29.10.21

محررتہ نواسان

① ایچ آر ج ریٹائرڈ روم (سول) حکم ریٹائرڈ بندہ 17/10/2011 روم 12/20  
بندہ 07/9/2021 نویدہ 15/9/21

② قدر عدالت سول جی مہ - XVII حکم ریٹائرڈ / د (2) 12

③ ایڈر عدالت صا - SC - بنا

④ محمد مسعود محمولہ آنسٹر عدالت حکم 26

⑤ فضل نولا اسٹ لٹل آنسٹر DHA کابہ

⑥ عمارتہ ڈیپارٹمنٹ

⑦ دیگر بونٹا ضرورت

Sajjad Ahmad Jan

ACC

ڈیپارٹمنٹ عمارتہ - سول جی مہ

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28/10/2021

ATTESTED

21 FEB 2022

(Examiner)  
District Court Peshawar

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P.1

PS-1  
05.11.2021

بیان قمبر مان ریڈر عدالت سبزی سول جج ہورڈیشن پشاور

حلفاً بیان کیا کہ سال 2019ء میں، میں

عدالت جناب آصف رضا سول جج صاحب پشاور IX جے

ریڈر تعینات تھا۔ اور اب میں سبزی سول جج ہورڈیشن

پشاور کی عدالت میں ڈپٹی سبزی سول جج کے طور پر آج

میں برکھم انٹوائری آفیسرز / سبزی سول جج پشاور ہورڈیشن

مارٹنگس ریڈر کے فریشن مقدمات سال 2019ء

ساتھ لائسوں، عیاقوں، فیکٹس / رجسٹر ہذا مورفہ

2019.05.02 کا کارڈنگ و پشور کرنا میں۔ جسے مطابق

مورفہ 2019.05.02 کے اندر جج میں مقدمہ بعنوان

سبزی سول جج D.H.A کا اندر آج تک ہے جو

Exp. ہے۔ مشمل پر 04 قطعات ہیں۔

xx ————— مجانب ملزم ایسٹاد

میں درست ہے کہ سال 2019ء میں، میں

ATTESTED

(Examiner)  
District Court Peshawar

عدالت سبزی سول جج ہورڈیشن پشاور تعینات تھا۔

میں درست ہے کہ Exp. میں پانچویں لکھی گئی ہے

(151)

(168)

(29)

P. 2

P.W. 1

05.11.2021

سی

جانب فائزہ ڈیپارٹمنٹ

XX

(عبد نذیر و موقع رہائش)

سمن در دست

29

سمن در دست

Date: 05/11/2021  
District Court Peshawar  
S.M. (Judicial)  
Peshawar

ATTESTED



(Examiner)  
District Court Peshawar



P.1

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بیان ذاکر اللہ محمد | جو سٹرکٹ عدالت فیاض فرخندہ نوٹیشن

PW.02  
05.11.2021

سول جج پتیارہ CV XVII

*(Handwritten mark)*

حلفاً بیان کیا کہ میں عدالت سول جج XVII

میں بطور محمد تعینات ہوں۔ میرے ساتھ دوسرا محمد کامران ہے۔

سال 2019ء میں، میں ایکسچینج سٹیشن کورٹ میں بطور

34

آپریٹر عارضی طور تعینات تھا۔ میں مقدمہ (2) 12/03 سال

2021ء رجسٹرڈ 24.02.2021 لفوان H.A پتیارہ

تیار بحالہ صبیحہ وغیرہ سمراہ (انہیوں) جو کہ بیماری عدالت میں

*(Signature)*  
LEGAL NASIR SI  
District Judge, Peshawar

زیر رجسٹرڈ ہے۔ اور جس میں آئندہ پیشی 10.11.2021

05.11.21

مقرر ہے۔ درخواست (2) 12/03 Ex PW 02/01 ہے ج

سہ مشتمل ہر 05 صفحات ہے۔ درخواست *Suspension Execution*

02/02 Ex PW ہے۔ جو کہ مشتمل ہر دو صفحات ہے۔ جواب

درخواست فیاض سول السیم 0567 ہر ایک (2) 12

03/02 Ex PW ہے۔ جو کہ مشتمل ہر 04 صفحات ہے

ATTESTED

جواب درخواست ہر ایک *Suspension Execution*

*(Signature)*  
(Examiner)  
District Court Peshawar

P.T.O

Expw 02  
05/11/21

Expw 02/04 ہے جو مشمل ہر دو صفحات ہے۔ کاوشٹر

Expw 02/05 ہے۔ نقشہ انکارڈ اینڈ لیٹر ہیکل عام طور پر

انٹروسکریٹ ریٹائٹ رضیاء انڈوسکریٹ 'A' ہے۔

درخواست برادری پیش کرنے مزید دستاویزات بجانب D.H.A

Expw 02/06 ہے۔ وکالت نامہ بجانب وکلاء مسعود الہیہ

Expw 02/07 ہے۔ آڈٹ ریسٹریکٹڈ یا کے Expw 02/08 ہے

جو کہ مشمل ہر تین صفحات ہیں۔ مشمل دے 12، 13 سے مشمل

14/11 سال 2019ء، ریسولوشن 2019-2020-05-02

ATTESTED  
District Court Peshawar

2020-2021 لے جان سماج و غیرہ بجانب D.H.A 05.11.21

پیشہ کار، کارڈ، موجود ہے۔ جو کہ محافظ خانہ سے طلب

کیا گیا ہے۔ مذکورہ مقدمے کا ریکارڈ Expw 02/09

ہے۔ جو کہ مشمل ہر 4 صفحات ہے۔ فائل پورٹی مشمل

Expw 02/10 ہے۔ جو کہ مشمل ہر دو صفحات ہے۔

xx بجانب ملزم انکارڈ

پہ دروست ہے کہ سال 2019ء میں عدالت سول ایچ VIII

میں بطور خبر تصانیف نہیں تھا۔ یہ درست ہے کہ یہ

(Examiner)  
District Court Peshawar

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P. 03

P.W. 002

05/11/2021

ملزم ایسکاڈ کا اُردو یا انگریزی تحریر کو پیش پیش کیا  
از فوراً کہ میں صرف ریکارڈ لایا ہوں۔

جاری

(176)

XX ————— بجانب نمائندہ ڈیپارٹمنٹ

(حیثیہ مذکورہ صریح دیا گیا)

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سینکڑوں دست نامہ

سینکڑوں دست نامہ

D. 05/11/2021  
Peshawar

ATTESTED

2021

(Examiner)  
District Court Peshawar

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**IN THE COURT OF CIVIL JUDGE - XVII, PESHAWAR**

App. No. \_\_\_\_\_ / 2021

In

Suit/Case File No. 141/I of 2019

Or. .... 01  
SCJ, Pesh

24 FEB 2021

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

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.....Applicants

V/s

- 1. Mst. Sabeela W/O Muhammad Saeeb
- 2. Mst. Faiqa Huma W/O Muhammad Shouib
- 3. Mst. Shah Room W/O Abdur Razzaq
- 4. Mst. Falak Naz W/O Muhammad Rafiq
- 5. Mst. Naseem W/O Qasim Jan Ali

Institution Branch (Civil),  
New Judicial Complex,  
Peshawar

*[Handwritten signature]*

*[Handwritten signature]*

All residents of Shahi Bala, Peshawar

.....Respondents

APPLICATION UNDER ORDER 9 RULE 13 READ WITH SECTION 12 (2) CPC, 1908  
FOR SETTING ASIDE ORDER/ DECREE PASSED BY THIS HONOURABLE  
COURT IN CASE FILE NO. 141/I OF 2019 DATED 02/02/2020 HAVING BEEN  
OBTAINED THROUGH FRAUD AND MISREPRESENTATION.

Exp. p. 2/1

Respectfully Sheweth;

- 1. That the Defence Housing Authority ("Applicant") is a creation of a provincial statute i.e. Defence Housing Authority, Peshawar Act 2009 (hereinafter referred to as "2009 Act").
- 2. That the Respondents, filed a suit for specific performance and declaration against the appellants on 02/05/2019 on the basis of the registered deed no. 1935, bahi no.1 dated 02/02/2016 and obtained an ex-parte decree vide Order dated 02/02/2020.

ST Pesh  
05/11/20  
(05/11/20)

**ATTESTED**

*[Handwritten signature]*  
District Court Peshawar

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3. That before proceeding further it is absolutely imperative to note that the Respondent had earlier also filed a suit no. 235/1 of 2018 titled Mst. Naseern etc VS Islam Khan etc wherein they had challenged the ownership of the defendants in the suit and had also sought declaration against the present applicants (DHA) that they may be restrained from giving the plot files to the defendants. Needless to mention the said suit is still pending adjudication before the Hon'ble Court. It is also pertinent to mention that since there was a title dispute on the suit property and since both the plaintiffs and the defendants in the afore-mentioned suit had sold/transferred their entire title in the suit property in favour of the applicants (DHA), therefore, the applicant (DHA) was directed by the Hon'ble Court vide order dated 16-3-2019 to submit an undertaking to the effect that it shall be responsible for handling filed to the plaintiffs for the subject matter, if the matter is decreed for them.

(S)

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24/2/21

(Copy of the suit no. 236/1 of 2018 and order dated 16-3-2019 are annexed herewith marked as "A" & "B")

4. That similarly, the Respondents had made another attempt vide suit no. 246/1 of 2009 titled Mst. Nasreen VS Haji Qasim Jan to obtain a favourable decree from the Hon'ble Court in respect of their ownership in khsara no. 535, khata no. 229/1101 vide mutation no. 2827 attested on 18-4-2008. Needless to mention that the said suit is also pending adjudication before the Hon'ble Court. It is also important to mention that since the present applicants (DHA) were not made a party in the afore-mentioned suit, therefore, the present applicants (DHA) filed an application for impleadment in the afore-mentioned suit, however, the Hon'ble Court vide order dated 27-2-2020 turned down the application of the applicants.

(Copy of the suit no. 246/1 of 2009 and the order dated 27-2-2020 are annexed herewith marked "C" & "D")

5. That interestingly the mutation no. 2827 on which the Respondents claim their title/ownership has been reportedly declared as bogus/illegal by revenue authorities, thus, Respondents no.1 to 5 cannot claim their title/ownership on basis of mutation no. 2827 as the same has already been declared as illegal and bogus.

ATTESTED  
  
 Court

(Copy of the relevant documents including the report of revenue officer are annexed herewith marked as "E")

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6. That it was only very recently, when the applicants received a summon on 23/02/2021 from this Hon'ble Court that the Respondents have filed an application for execution of order dated 02-02-2020 passed by this Hon'ble Court. Upon obtaining the record of the afore-said suit and the order the applicants gained knowledge of the deceit, fraud and misrepresentation perpetrated by the Respondents no1 to 5 with regards to the suit property.

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7. That it is apposite to state that the Respondents have deliberately failed to mention the fact, throughout the proceedings, that there are other suits pending before various other courts on the same subject matter. They have also failed to bring this clear fact before this Hon'ble Court that the present applicant (DHA) in suit no. 236/1 of 2018 titled Mst. Naseem e c VS Islam Khan etc has been directed by the Hon'ble Court to hand over the plot filed to the Respondent no.1 to 5 only if the subject matter is decided in their favour. Needless to mention the said material concealment and misrepresentation establishes the fact that the Respondents, in collusion and connivance with one another, with the sole aim to deprive the applicants of their land and their money, orchestrated the whole drama and obtained the decree dated 02.02.2020 through fraud and misrepresentation.

24/2/21  
[Signature]

8. That upon the perusal of the order dated 02-02-2020 (which surprisingly is a SUNDAY in the calendar for the year 2020) it reveals that one Fazl-e-Mola, Tehsildar appeared in the suit in question before this Hon'ble Court. It is absolutely imperative to state that since there are other connected matters of the applicants pending before this Hon'ble Court, therefore, the said representative of the DHA marked his attendance in those matters and had not marked his absence in the suit in question. Therefore, the present applicants had not authorized any person to represent them in the suit in question as they had no knowledge of the

ATTESTED

of the suit nor was any notice served in this respect to the applicants,

therefore, the decree is liable to be set-aside, *inter-alia*, on the following;

[Signature]

[Stamp]

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GROUNDS

a) Because the Respondents have misrepresented and concealed material facts and has obtained the decree through fraud and has violated the rights of the applicants' as guaranteed by;

- Articles 2-A, 4, 8, 10-A and 21 of the Constitution of The Islamic Republic of Pakistan, 1973 (hereinafter referred to as 'the Constitution'); and
- norms and principles of natural justice.

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b) Because no opportunity of hearing, as guaranteed by Art.10-A of the Constitution, was provided to the applicants to defend themselves properly and in accordance with the law.

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24/2/21

a) Because serious prejudice has been caused to the applicants due to the impugned judgment and decree.

b) Because it is a matter of record that applicants were not made parties at any stage of the proceedings and that the decree has been passed behind their backs, offending the basic principles of natural justice.

c) Because the Respondents deliberately failed to mention the fact, throughout the proceedings, that the present applicant (DHA) in suit no. 236/1 of 2018 titled Mst. Naseem etc VS Islam Khan etc has been directed by the Hon'ble Court to hand over the plot filed to the Respondents only if the subject matter is decided in their favour. The said material concealment and misrepresentation establishes the fact that the Respondents, with the sole aim to deprive the applicants of their land and their money, orchestrated the whole drama and obtained the decree dated 02.02.2020 through fraud and misrepresentation.

ATTESTED

(Signature)

District Court Faisalabad

Because the Respondents also failed to bring this fact into the notice of this Hon'ble Court that the mutation no. 2827 on which the Respondents claim their title/ownership has been reportedly declared as bogus/illegal

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by revenue authorities. thus. Respondents no.1 to 5 cannot claim their title ownership on basis of mutation no. 2827 as the same has already been declared as illegal and bogus.

~~(14.2)~~

e) Because the Respondents, with the sole aim of illegally obtaining the plot files, have deliberately misled this Hon'ble Court and have fraudulently obtained the decree from this Hon'ble Court without disclosing the true and actual facts.

f) Because applicants, being *bona-fide* purchasers for valuable consideration, have vested rights and interest in the suit property and have a claim over its title, thus, making them necessary parties to the suit. Therefore, the final Order/decree, obtained in the absence of the applicants evidence/stance, is liable to be set aside and declared null and void.

g) Because the decree/Order dated 02.02.2020 (being issued on a Sunday) is not maintainable in its present form.

h) Because the Respondents have not come to this learned Court with clean hands and as such are not entitled to the decree obtained.

i) The Applicants most humbly craves the permission of this Hon'ble Court to raise additional grounds at the time of arguments.

It is therefore, most humbly prayed that on acceptance of this application the Order dated 02.02.2020, having been obtained through fraud and misrepresentation, may kindly be recalled and set-aside.

Any other relief deemed appropriate in the circumstances of the case may also be granted

ATTESTED

Applicants

Through

COUNSEL

Affidavit:

U. M. Amin  
District Court Peshawar

I, Fazl-e-Mola, Qanoon Goh, DHA, Peshawar do hereby solemnly declare and affirm on oath that the contents of the above application are true and correct to the best of my knowledge and belief and nothing material has been concealed therein.



Deponent



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IN THE COURT OF CIVIL JUDGE-XVII, PESHAWAR

App. No. \_\_\_\_\_ 2021

In

Suit/Case File No. 141/1 of 2019

E.P.W. 02/02/20  
Pesh  
05/11/2021  
L. S. Shaukat

DHA, Peshawar VS Ms. S. beeha etc

APPLICATION FOR AND ON BEHALF OF THE APPLICANT DEFENCE HOUSING AUTHORITY PESHAWAR FOR INTERIM RELIEF / SUSPENSION OF THE EXECUTION PROCEEDINGS ONGOING IN THE ABOVE-TITLED CIVIL SUIT

Respectfully Sheweth:

24/2/21



1. That the Applicants has filed an application under Order 9 Rule 13 R/W Section 12(2) and Section 151 of the CPC before this Hon'ble Court wherein no date has been fixed for hearing as yet.
2. That at the outset, it is submitted that the content of the accompanying application under Order 9 Rule 13 R/W Section 12(2) and Section 151 of the CPC may kindly be read as an integral part of the present application for interim relief / suspension of the execution proceedings.
3. That it is apposite to state that the Respondents have deliberately failed to mention the fact, throughout the proceedings, that there are other suits pending before various other courts on the same subject matter. They have also failed to bring this clear fact before this Hon'ble Court that the present applicant (DHA) in suit no. 236/1 of 2018 titled Mst. Naseem etc VS Islam Khan etc has been directed by the Hon'ble Court to hand over the plot filed to the Respondent no. 1 to 5 only if the subject matter is decided in their favour. Needless to mention the said material concealment and misrepresentation establishes the fact that the Respondents, in collusion and connivance with one another, with the sole aim to deprive the applicants of their land and their money, orchestrated the whole drama and obtained the decree dated 02.02.2020 through fraud and misrepresentation.
4. That the Respondents also failed to bring this fact into the notice of this Hon'ble Court that the mutation no. 2827 on which the Respondents claim their title/ownership has been reportedly declared as bogus/illegal by revenue authorities, thus Respondents no. 1 to 5 cannot claim their title/ownership on basis of mutation no. 2827 as the same has already been declared as illegal and bogus.
5. That applicants have a very strong prima facie case and the balance of convenience lies in their favour.

ATTESTED

2/2/21  
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District Court Peshawar

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6. That most obviously applicants shall suffer irreparable losses if the present application is not positively considered.

7. That the impugned judgment and decree has been passed without considering crucial and important evidence.

It is, therefore, most humbly prayed that upon the acceptance of the subject application for interim relief, this Hon'ble Court may graciously suspend the subject execution proceedings in respect of the impugned Decree / Order dated 02/02/2019 passed by the Hon'ble Civil Judge-XVII till the disposal of the subject application. Applicants

Through

*[Handwritten signature]*  
24/7/21  
**COUNSEL**

Affidavit:

It is hereby declared on oath that the contents of the accompanying application for interim relief are true and correct to the best of my belief and knowledge and that nothing has been concealed from this Hon'ble Court.

*[Handwritten signature]*  
**Deponent**



**ATTESTED**

7 : 09/2022

(Examiner)  
District Court Peshawar

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17/3/22

BEFORE THE HONORABLE CIVIL JUDGE (XVII) PESHWAR

DHA Peshwar & others vs Mst. Stabiha and others

(Application under order -09, Rule-13 of CPC)

WRITTEN REPLY ON BEHALF OF RESPONDENTS NO.1 TO 05 EXP 22/2

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:-

1. That the Applicant / DHA etc having no locus standi to file instant application in hand, therefore, same is liable to be dismissed.
2. That the applicants deliberately concealed the factual realities from this honorable court and filed the above captioned application without any lawful justification and cogent reason and same liable to be dismissed being misconceived accordingly.
3. That the learned trial court Peshawar while initiating proceeding in original civil suit issued process of summons to Applicants/ DHA authority etc and subsequently the said DHA authority / applicants received summons and service of summons also effaced in result of same they were appeared through their legal representative who continually appear before the court and joined the proceedings since then and the applicants / DHA authority being defendants having fully knowledge about the above said court proceedings but due to their illegal act they deliberately not bother the proceedings of the court and used delaying tactics by one pretext and others, where subsequently the learned trial court Peshawar with strict direction issued to the legal representatives of applicants to submit written statement by giving final opportunity but the applicants / defendants failed to submit the written statement as well as other reliable evidence, therefore, the learned trial court close the defense of the applicants DHA authority and same order neither assailed in appeal/ revision by the DHA authority nor file any review in this regard and same attained finality, therefore the application under order 09, Rule-13 read with section 12(2) of CPC is not maintainable and matter could not re-open in terms of application in

**ATTESTED**

21 FEB 2022

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hand, therefore, the instant application is barred by law, hence same is liable to be dismissed.

4. That the application in hand on behalf of DHA authority / Applicant having dual status being they filled application under order 09, rule-13 of CPC and same in the other hand also pray for relief under section 12 (2) of CPC being simultaneously both relief are different in nature of law and cannot be seek by either party in one way and other, therefore the application in hand is based on misconceived, which is liable to be dismissed on this score alone.
5. That the parameter and ingredients of order -09, rule-13 of CPC and section 12 (2) are quite different and also could agitate on different mode of circumstances, therefore, the application is not maintainable and proceed able in its present form and same liable to be dismissed accordingly.
6. That out of contents of application, the applicants/ DHA authority totally failed to mention any misrepresentation and fraudulent act and design on behalf of respondents/plaintiffs and also in similar manners, they further failed to mentioned any good cause towards the setting aside the judgment & decree which earlier passed by this honorable court after affording the full opportunity of hearing as well as on merits in pursuance of claim as well as documentary evidence, therefore, the application in hands is not competent and same liable to be dismissed.

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(Examiner)

District Court Peshawar

ON FACTS:-

1. That the Para No.01 of the application is concerned with the earlier proceedings & decree passed against DHA authority hence same is demed.
2. That the Para No.02 of suit is correct to the extent of filling of suit for specific performance and declaration on behalf of answering respondents/plaintiffs and remaining Para is incorrect the applicants/defendants were fully aware about the proceedings as well as they pursue the original civil suit through their original legal representative and the learned court of law after completion of all lawful procedure issued and passed judgment and decree dated 02-02-2020 on the basis of cogent and reliable oral as well as documentary evidence and decided the controversy on merits, hence denied.

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3. That the Para No.03 of the application is incorrect same is bundle of lies. All the civil litigations was in knowledge of applicants/ DHA authority and after judgment and decree in favor of respondents/ plaintiffs the defendants/applicants are bound by law to implement the same as per letter and spirit being an authority is bound to act in accordance with law but they deliberately avoid to implement the judgment and decree dated 0 -02-2020 with pretext as per terms and conditions of agreement between the parties, they also legally and morally bound to implement and fulfill the terms of agreement by handing over the 67 plot files and such agreement uptill now existed. Neither they challenge the validity of that agreement or any term of such agreement nor transfer the plot files in favor of plaintiffs/ answering respondent and nothing given any possession of land, which they earlier received at the time of agreement and up till now enjoying the possession and it is further pertinent to mentioned here that the decree and mutation in favor of DHA authority in the light of terms of above said agreement on behalf of plaintiffs/ answering respondents uptill now existed and intact in favor of DHA authority and they also enjoying the title on the basis of above said deed/mutation and further the name of DHA authority as owner is also incorporated in the revenue record and all the title documents on the behalf of plaintiffs/ answering respondents is uptill now intact. The application is incompetent being misconceived as well as based on misstatement and clearly shows from the beginning, the applicant/ DHA authority having knowledge about the proceedings of court and decree of any court is not barred under the law and execution on basis of any judgment and decree also competent and maintainable to redress the claim and grievance of decree holders and also not bar, hence same is denied.

5. That the Para No.05 of the application is incorrect being bundle of lies as well as on the basis of misstatement and further all other details already mentioned in the above mentioned preliminary objections hence in the light of above same is denied.

6. That Para No.06 of the application is also incorrect and same is bundle of lies the applicant DHA authority since the day of filling of suit subsequently pursue the above civil suit through their legal representative, hence denied.

**ATTESTED**

21 FEB 2022

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7. That the Para No.07 of application is incorrect and all other details already mentioned above same para of such application also based on concocted story, hence denied.
8. That the Para No.08 of application along with supra para of grounds A to I are also incorrect being same is bundle of lies, neither any cogent and lawful reason is mentioned by the applicants and earlier they pursue the civil litigation through their legal representative and no question of any misrepresentation / fraud is appeared on behalf of answering respondents and controversy is decided on merits and other details also mentioned above herefore in the light of above submission same are denied.

PRAYERS:-

It is therefore, prayed that in the light of above submission as well as by keeping the preliminary objections and on merits, the application in hand on behalf of DHA authority Peshawar may kindly order to be dismissed on merits with cost of the application for the interest of justice accordingly.

It is further prayed that order of special cost under the discretionary power of this honorable court may kindly awarded and issued in favor of answering respondent and against the DHA authority due to frivolous, misconceived and false litigation accordingly.

Through:-

*S. H. Khan*  
Answering Respondents/Plaintiffs  
Through Attorney, Muhammad Sharif

*Adnan*  
MUHAMMAD ADNAN AWAN

Advocate High Court.

ATTESTED

21 FEB 2022

Examination  
District Court Peshawar

166

*(Handwritten initials)*

*(Handwritten notes and signatures)*  
Exp. P. 17-2-21  
P. 17-2-21  
25 11-2-21  
*(Signature)*

BEFORE THE HONORABLE CIVIL JUDGE (XVII) PESHWAR

D.L. Peshwar & others vs Mst. Sabiha and others

(APPLICATION FOR INTERIM RELIEF)

WRITTEN REPLY ON BEHALF OF RESPONDENT/MST SABIHA ETC

PRELIMINARY OBJECTIONS.-

1. That the application in hand for interim relief against the final Judgment and Decree could not be maintainable through application in hand and same liable to be dismissed.
2. That provisions of Order-39, Rule-1 & 2 read with section 151 of CPC is also not attracted against the final judgment and decree and execution proceedings, hence same is liable to be dismissed.
3. That the application for interim relief on behalf of DHA is not maintainable and sustainable in its present form, hence same is without lawful justification and cogent reason and liable to be dismissed being misconceived.

Reply on Facts.-

1. That the Para No.01 of the application is regarding filing of application under order-39, rule-1 & 2 is correct, however the contents of main application under order -39, rule -1 & 2 are misconceived, frivolous and concocted story.
2. That Para No.2 of application is incorrect as stated being the main application is incompetent, baseless and on concocted story.
3. That Para No.03 of the application is incorrect as stated, the applicant/DHA are fully aware about the proceedings but being they were enjoying the possession, therefore they did not bother the proceedings of court with colorful act and design and on the basis of misconceived facts filed the application of under order -39, rule-1 & 2 just to avoid the implementation of judgment and decree of this honorable court as per letters and spirit and using delaying tactics through different applications as well as by one pretext and others and all other details is already mentioned above, hence denied.

**ATTESTED**

21 FEB 2022

188

167

0-4  
12-3-21

4. That Para No.04 of application is also incorrect, the details have already mentioned above, hence denied.
5. That Para No.05 of application is also incorrect, the details have already mentioned above, hence denied.
6. That Para No.06 of application is also incorrect, the details have already mentioned above, hence denied.
7. That Para No.07 of application is also incorrect, the details have already mentioned above, hence denied.

It is therefore, respectfully prayed that by keeping the above compelling circumstances as mention in the preliminary objection as well as reply on facts application filled on behalf of DHA may kindly be dismissed accordingly.

Answering Respondents/Plaintiffs  
Through Attorney, Muhammad Shafi S/O M. S. Khan

Through:-

*Muhammad Adnan Awan*

MUHAMMAD ADNAN AWAN

Advocate High Court

**TESTED**

21 FEB 2022

(Examiner)

District Court Peshawar



183

168

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BEFORE THE HONORABLE CIVIL JUDGE (XVII) PESHWAR

DHA Peshwar & others vs Mst. Sabiha and others

(Application under order -09, Rule-13 of CPC)

(Written Reply on behalf of Answering respondent, plaintiff)

50

COUNTER AFFIDAVIT

*Muhammad Shafiq*  
I, ~~Muhammad Shafiq~~ *S/c M. Saad* r/o Peshwar Cantt. do hereby solemnly affirm that the contents of written reply of application under 09, rule-13 alongwith section 12 (2) of CPC are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

*M. Shafiq*  
*S/c J. Pesh*  
*05 11 2021*

*Shafiq*

DEPONENT

Verified on oath at this 17<sup>th</sup> day of March 2021 at Peshawar that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

*M. Saad*  
*17 3 2021*

*Shafiq*

**ATTESTED**

DEPONENT

21 FEB 2021

(Examiner)  
District Court Peshawar

169

(Signature)

(Signature)



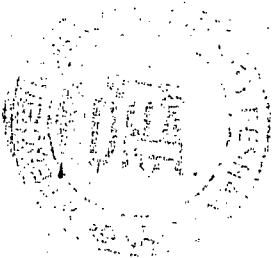
56  
Dr. N C  
SCJ, Pesh

AUTHORITY LETTER

Mr. Amir Javed (Advocate Supreme Court of Pakistan) and Saqib Raza (Advocate High Court), Legal Advisors and Standing Counsel of Defense Housing Authority (DHA) are hereby authorized to appear, plead and defend all legal matters/suits / petitions before Hon'ble Peshawar High Court, Peshawar as well as before all the subordinate Courts of Khyber Pakhtunkhwa for / on behalf of Defense Housing Authority (DHA).

Issued on 2nd day of May, 2019 with the approval of the Competent Authority.

Amir Javed  
SCJ Pesh  
05/11/2019



Colonel Secretary  
DHA, Peshawar

Defense Housing Authority Peshawar

Office: Khyber Road, Peshawar Cantt  
Phone: 031-5013780-763-314  
Email: www.dhapeshawar.org  
Website: dha@dhapeshawar.org

**TESTED**  
21 FEB 2022  
(Examiner)  
District Court Peshawar

Verification  
- Feb 22

IN THE COURT OF CIVIL JUDGE-XVII, Peshawar

DHA etc Vs Mst. Sabiha etc

Application for/on behalf of applicants for placing on record certain documents.

Respectfully sheweth,

- ① That the instant application is pending adjudication before this honorable court
- ② That the contents of the application may be considered as an integral part of the application
- ③ That the applicants want to place on record the judgment dated 21/2/2020 passed by this honorable court in suit no. 141/1 of 2019.
- ④ That placing on record of the aforesaid document is necessary for proper adjudication of the subject matter and there is no legal impediment if the same is allowed.

It is therefore most humbly requested that the applicant be allowed to place on record the aforesaid document and the instant application be accepted.

ATTESTED

21 FEB 2022

(Examiner)  
District Court Peshawar

Verification

verified that the contents of



Applicants




Through

Counsel

Submet

0-4

17/3/22

		
ایڈووکیٹ	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
51327	بار کونسل ایسوسی ایشن نمبر:	
0334-5483493	رابطہ نمبر:	

بعدالت جناب: موصوفہ مندرجہ عدوت سول جج پشاور

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ	دعویٰ: حرج و است (2) 18/03/2022
مخانب: درستیائے نفس / سہیلہ محمد سعید	علت نمبر: EXP-27/22
رسمی اندرون سندھ پر پانچ سہ ماہہ محمد سعید	مورخہ: 17/3/22
	جمعہ: 17/3/22
	تھانہ: 17/3/22

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام پشاور میں محمد سعید نے درخواست کی ہے کہ صاحب موصوفہ کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ واملہ برحالیف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا ایجیل کی برآمدگی اور سبوتی، نیز دائر کرنے ایجیل نگرانی و نظر ثانی ریروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ اتوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھو ریات تاکہ سند رہے

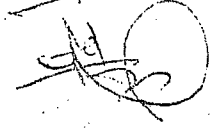
17-03-2022

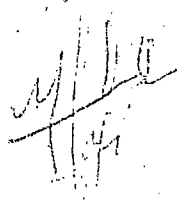
المقوم:

محمد سعید

مقام کے لیے منظور ہے

Accepted





ATTESTED

21 Feb 2022

(Examiner)

District Court Peshawar

نوٹ: اس حالت نامہ کی ذمہ داری ناقابل قبول ہے۔

173

FORM "A"  
FORM OF ORDER SHEET

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

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

R.....01

24/2/2021

Civil Suit/ Rent Petition/ Family Case/ Insolvency/ Misc: Application/ Objection Petition /execution petition has been filed; entrusted to the Court of Mr. Fazal Nasir Shah Civil Judge XVII Peshawar. Counsel for the plaintiff petitioner is directed to appear before the same court on 24/2/2021.

Fazal Nasir Shah  
Senior Civil Judge (Judt-)/  
Peshawar.

Exp. 24/2/2021  
Fazal Nasir Shah  
24/2/2021  
(3 sheets)

Order 62  
24/02/2021

Office to report...

Civil Judge-XVII,  
Peshawar

جناب عالی! پڑتال کی گئی دعویٰ پر جواب لکھ کر پیش کیا گیا ہے۔ ہر ایک کے دیگر نقولات، درخواست حکم استغاثی و کالت نامہ و نقل عرضی دعویٰ ہمراہ لگا ہے۔ لہذا رپورٹ عرض ہے۔  
ریڈر امورالت

ATTESTED

21 FEB 2022

(Examiner)  
District Court Peshawar

Or.....03  
24/02/2020

Case file received from the court of Learned Senior Civil Judge, Peshawar. Plaintiff alongwith counsel present. The contents of the petition are admitted correct. It be registered accordingly. Alongwith the petition petitioner has also moved an application for interim relief/ suspension of execution proceedings.

Preliminary arguments on the application for suspension of execution proceedings ongoing in the instant case heard. Notice be issued to the respondents for date fixed. Meanwhile execution proceedings is kept suspended till date fixed for. Case file to come up for appearance of respondents on dated 17/3/21.

Announced:  
24/02/2021

Rafiqat Zohoor  
CJ-XVII, Peshawar

Order No.04  
17/03/2021

Petitioner through assistant to counsel present. Respondents through counsel present. W.N in favor of Muhammad Adnan Awan advocate on behalf of respondents submitted. Written reply also submitted. Case file to come up for arguments on dated 3/3-21. Meanwhile execution proceedings initiated in the instant suit is suspended till further order.

Rafiqat Zohoor  
CJ-XVII, Peshawar

ATTESTED

21 FEB 2022

(Examiner)  
District Court Peshawar

~~174~~ 174

Order No.04  
17/03/2021

Petitioner through assistant to counsel present.  
Respondents through counsel present. W.N in favor of  
Muhammad Adnan Awar advocate on behalf of respondents  
submitted. Written reply also submitted. Case file to come up  
for arguments on dated 31-3-21. Meanwhile  
execution proceedings initiated in the instant suit is  
suspended till further order.

Rafaqat Zahoor  
CJ-XVII, Peshawar

Order No.05  
31/03/2021

Parties through clerks of the counsels present. Legal  
fraternity is on strike hence, adjourned. Case file to come up for  
arguments on dated 20/4/21.

Rafaqat Zahoor  
CJ-XVII, Peshawar

M.R  
20/4/21 P.O ISON leave to come  
up for 27-5-21

M.R  
27/5/21 P.O ISON leave to  
come up for 15-6-21

ATTESTED

21 FEB 2022

(Examiner)  
District Court Peshawar

M.R  
15-6-21 P.O ISON leave  
come up for 15/7/21

175

*[Signature]*

*[Signature]*

N.P. P.O is on leave  
15/7/21 came up for

07/8/21

*[Signature]*

ATTESTED

21 FEB 2022

(Examiner)

District Court Peshawar



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*(176)*

Suit No. 3/12(2)

DHA, Peshawar etc. vs. Mst. S. Beena etc.

*(Handwritten mark)*

Order No. 06  
07/09/2021

Petitioner through representative alongwith junior counsel present. No one present on behalf of respondent. Today, the case was fixed for arguments. Junior counsel for petitioner sought time due to his senior counsel is busy in august Peshawar High Court, Peshawar. Time is granted. Respondent be noticed for date fixed. File to come up for arguments on 25/9/2021

*(Signature)*  
Farkhanda Nosheen  
CJ-XVII, Peshawar

*56*

02-07  
25-9-2021

*Presence as before  
Peshawar been observing  
time today. To come  
up for arguments  
on 10-10-2021.*

02-07  
12-10-2021

*Counsel for parties present.  
Pahall arguments on 12(2)  
heard. TO come up  
for arguments &  
order on 11-10-2021.*

ATTEST  
2 FEB 2022  
District Court

AS

02-09  
16-10-2021

Counsel for the parties  
present. Response sheets  
were for ~~response~~ arguments  
being not prepared. Chau  
Jinn To come up for  
response arguments on 23-  
10-2021.

02-10  
23-10-2021

Counsel for the plaintiff  
present. Defendant through  
Jinn counsel present.  
Case was moved for  
response arguments. But  
Jinn counsel sought  
adjournment, granted. To  
come up for response arguments  
on 10-11-2021.

ATTESTED

21 FEB 2022

(Examiner)  
District Court Peshawar

جعلی ڈگری 2/2/20

178

انڈس

200

بعدالت محترمہ نوٹیشن نارم صاحبہ، سول جج - XVII، پشاور

نمبر مقدمہ	رجوزہ	اصل رجوزہ	فیصلہ
141/1		2.5.16	2.2.2020

علاء الحق نام 17.H.A

نمبر شمار	قطعہ نمبر	تعداد صفحات	نوعیت کاغذات
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بیتہ "ا"

EXPLC 69  
11/11/20

انڈس اور سول جج / اہم ترین بیان افتخار EXL / ذرا سے زیادہ	1/37		41/1
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بیتہ "ب"

557

دائن نام / درخواست	33/33		24/1/70
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بیتہ "ج"

سکن	45/91		
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سول جج - XVII، پشاور

کلی صفحات 41 داخل دفتر شد

ATTESTED

21 FEB 2022

(Examiner)

District Court Peshawar

FORM "A"  
FORM OF ORDER SHEET

179

~~202~~

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COURT OF ..... 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

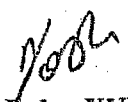
2-5-2019.

Civil Suit/ Rent Petition/ Family Case/ Insolvency/ Misc: Application. Objection Petition /execution petition has been filed; entrusted to the Court of محمد رفیق بن نثار صاحب 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! پڑتال کی گئی دعویٰ ہے۔ ہر وہ جس کے دیگر تقاضات، درخواست حکم انتہائی وکالت نامہ و نقل عرضی دعویٰ ہر اہل ہے۔ ایذا رپورٹ عرض ہے۔

  
ریڈر از عدالت

ATTESTED

21 FEB 2022

(Examiner)

180

202

IN THE COURT OF NOSHEEN NISAR, CIVIL 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.

*Nosheen Nisar*  
NOSHEEN NISAR  
CJ-XVII, Peshawar

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.

*Nosheen Nisar*  
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

*Nosheen Nisar*  
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

*Nosheen Nisar*  
NOSHEEN NISAR  
CJ-XVII, Peshawar

ATTESTED

21 JUL 2019

(Signature)  
District Court Peshawar

181

~~2~~

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

60

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

*Nash*  
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

26-7-2019

*Nash*  
NOSHEEN NISAR  
CJ-XVII, Peshawar

ATTACHED  
2  
3

*[Handwritten signature]*

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

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

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

2/10/19

*Noshe*  
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

*Noshe*  
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

*Noshe*  
NOSHEEN NISAR  
CJ-XVII, Peshawar

*[Handwritten signature]*

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 P'W-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.

*Nosh*  
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

*Nosh*  
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.

*Nosh*  
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.

**ATTESTED**

21 FEB 2020

(Examined)  
District Court Peshawar

*Nosh*  
NOSHEEN NISAR  
CJ-XVII, Peshawar



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~~208~~

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 Humia 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 All F/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

*Meezi*

**ATTESTED**

21 FEB 2022

(Examiner)

District Court Peshawar

185

*[Handwritten signature]*

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

*(62)*

transferred and handed over the possession of the property measuring 268 kanals consisting of Khasra No.533,534 and 535 at Moza Shani 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 LGHA, 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. Afterwards ex-parte evidence of plaintiffs was recorded.

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, plaintiffs 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

**ATTESTED**

21 FEB 2022

*Mohi*

186

~~208~~

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 khasra 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 E:PW-1/2, transferred the property measuring 268 kanals out of 345 kanals and 19 marlas in favour of defendants/DHA, Peshawar vide registered deed E:PW-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 on file 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.

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 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

Mohd

63

ATTEST

21 FEB 2022

(Examiner)  
District Court

(187)

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

(85)

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 retuttal and hindrance to grant an ex parte decree for, specific performance, declaration, permanent injunction and mandatory injunction ets as prayed for in the plaint.

Relief:

As sequel to the above, an ex parte decree is granted in favour of plaintiffs against the de endants. 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 orde. as to cost.

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

Announced  
02/02/2020

*Nosheen Nisar*  
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.

**ATTESTED**

21 FEB 2020

(Examiner)

*Nosheen Nisar*  
NOSHEEN NISAR  
CJ-XVII, Peshawar

1803

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

**PESHAWAR,**  
**Civil Suits No. 131/1**

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 Rafiq
5. Mst. Nasreen W/O Qasim Jan Ali 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.....20/05/2019

Date of Decision.....02/02/2020

**SUIT FOR SPECIFIC PERFORMANCE**

**& DIRECTIVE INJUNCTION ETC**

Plaintiffs have brought the instant suit against the defendants for specific performance, declaration & 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**

*(Handwritten signature)*

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

10

189

مقدمہ بذا بتاریخ 2/15/20 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

Mali  
NOSHEEN NISAR  
CJ-XVII Peshawar

Seal

ذریعہ نالاش

روپیہ	پیسے	مدعا طلبیم	مدعی	روپیہ	پیسے
		/	استثامپ عرضی وی فہور سہیل دست نام		
			کل میزان		

حکم اخیر آج بتاریخ 2/12/20 کو بہ ثبت دستخط میرے اور مہر عدالت کے جاری ہوا۔

Seal

ATTESTED

2/2/20

(Examiner)

District Court Peshawar

Mali  
(Nosheen Nisar)  
Civil Judge-XVII,  
Peshawar

انڈس

بجالات پنجاب اشفاق تارخ ڈسٹرکٹ اینڈ سیشن جج، پشاور

نمبر قلم	تاریخ	اصل رجوعہ	فیصلہ	قطعیات	مختصر حکم عدالت
43	01-10-2021	0-10-2021	17-02-2022	244	جسریہ ریٹائرمنٹ

انٹوائٹری حاجی علی سنٹرل کارک اور پورہ

انٹوائٹری بہت جھلی دھوی و ڈگری بمقام جج 141/2021 فیصلہ 02/02/2022 فیضان مسکنہ صلیبیہ سیم ڈیٹ

نمبر شمار	قطعہ نمبر	تعداد قطعیات	نوعیت کاغذات
			بیت "الف"
	01/02	02	انڈس
	03/05	03	جسریہ ریٹائرمنٹ
	06/08	03	ریٹائرمنٹ 5604-5607 فیضان مسکنہ صلیبیہ سیم ڈیٹ
	09/27	19	جسریہ ریٹائرمنٹ و تقویت مسکنہ صلیبیہ سیم ڈیٹ
	28/28	01	مہلت گواہی
	29/215	187	بیانات PW-I تا PW-7 و ہمراہ ایکٹو سب فٹنرس ڈیٹ
	216/220	05	بیانات DW-I تا DW-5
	221/232	12	بیانات پورے پورے انٹوائٹری ریٹائرمنٹ 03/01/2021
	233/233	01	انٹوائٹری شوکار نوٹس نمبری 242 مورخہ 12/1/2021
	234/235	02	جسریہ ریٹائرمنٹ نوٹس
	236/237	02	جسریہ ریٹائرمنٹ آرڈر 23-1118 مورخہ 17/02/2022
	238/238	01	بیانات پورے پورے انٹوائٹری نمبری 42 مورخہ 17/1/2021
	239/244	06	نوٹس/بیانات
بیت "ب" کے کل قطعیات داخل دفتر شد			
یکہ کل ہذا کے کل 244 قطعیات داخل دفتر شد			

7 ہمراہ منسلک خواتین انٹوائٹری  
 مورخہ 19 جولائی 2021  
 مورخہ 09/04/2021  
 مورخہ 06/05/2021  
 حاجی علی سنٹرل کارک اور پورہ

Countersigned  
 Superintendent  
 District & Sessions Court,  
 Peshawar

ATTESTED  
 21 FEB 2022  
 District Court Peshawar

ATA  
 District

~~222~~

بیان محمد سرپر خان انچارج ریکارڈنگ و سول ڈسٹرکٹ

PW-03  
12.11.2021

کوہٹ پشاور

(191)

حلفاً بیان کیا کہ میں ہمراہ منسلق مقدمہ اجراء

100

نمبر 11/10 رجوع 11.12.2020 ضلع 07.09.2021

لقبوان سماہ صبحیہ و شہرہ بنام انسٹ ڈاکٹر کلینر D.H.A سٹاؤ

لا باسوں۔ جو کہ 3% EXPW منسلق برک 2 قطعہات ہیں۔

اسی طرح منسلق میں موجود سرٹیفکیٹس جناب سول جج XVII

صاحبہ پشاور 3% EXPW سے (ان ضام منسلق لپورٹ کے مطابق عدالت

حقور والہ پشاور) منسلق ہذا مورثہ 25.09.2021 کو محافظ

FAZAL NASIR SHAH  
Senior Civil Judge, (Judicial)  
Peshawar

خانہ میں وصول شدہ ہے۔ اسی طرح مقدمہ نمبر 141 رجوع

12.11.21 2019 2020 ضلع 2020 2020 لقبوان سماہ صبحیہ

بنام D.H.A پشاور مورثہ 24.02.2020 کو محافظ خانہ

وصول شدہ ہے۔ جو کہ منسلق سے منظر شدہ 09% EXPW سے

اسی طرح میں نے عدالت جناب XVII A پشاور بھی ابتدائی

انکوائری کے دوران مورثہ 28.06.2021 کو اپنا بیان

بطور 15% ریکارڈنگ کیا تھا۔

— xx —  
مجاہد ملزم اہلکار

دارد موقع دیا گیا

P.T.O

ATTESTED

21/11/2021

(Examiner)  
District Court Peshawar



(193)

~~253~~

P.02

pw-03

12.11.2021

جاری

(194)

مخانب ما گنده ڈیبا و گندت

— xx

رندرو و موع دیبا

سن در دست



DR. ISMAIL  
Sole (Civil & Judicial)  
Peshawar

Date: 12.11.2021

ATTESTED

21 FEB 2022

(Examiner)  
District Court Peshawar

(193)

P-01

~~288~~

بیان محمد سعید کیپوٹر ایئر لائنز JFC IV پشاور

PS-04  
19-11-2021

برہان بیان کا یہ سال 2019ء میں، میں

~~137~~

بطور کیپوٹر ایئر لائنز عبداللہ خاں سول جج XVII

لوسٹس نیٹ ورک میں تعینات تھا۔ آج کل میں عبداللہ خاں

سول جج فیملی کورٹ IV بطور کیپوٹر ایئر لائنز تعینات ہوں۔ میں

نے ٹائل ایڈووکیٹ کی 14/11/2019ء سے 02.05.2020ء تک

لےویون سماج صبح وغیرہ نام D.H.A. ملازم کر کے ہے جو کہ

میں سے 02.05.2020ء کے بیان میں بطور 02.05.2020ء تک

میں سے 02.05.2020ء کے بیان میں بطور 02.05.2020ء تک

میں سے 02.05.2020ء کے بیان میں بطور 02.05.2020ء تک

میں سے 02.05.2020ء کے بیان میں بطور 02.05.2020ء تک

میں سے 02.05.2020ء کے بیان میں بطور 02.05.2020ء تک

میں سے 02.05.2020ء کے بیان میں بطور 02.05.2020ء تک

اپنا بیان ایکٹریٹور کا 05.05.2021ء کو لکھا ہے

xx - جناب ملزم ایڈووکیٹ

(نہاد و صوبہ دہلی)

xx - جناب منانہ ڈیپارٹمنٹ

(نہاد و صوبہ دہلی)

میں کو درست تسلیم کر

RAJIB KHAN SHAH  
Senior Advocate  
Peshawar

ATTESTED

21/11/2021

(Signature)  
District Judge Peshawar

Date: 19-11-2021

194

~~287~~

Ro1

بیان عام ندیم سزگلون ریکارڈ روم شیٹن پشاور

Pw.05  
19.11.2021

علفاً بیان سزاگاہ میں شیٹن ریکارڈ روم

~~138~~

پشاور میں ڈپٹی سرانجام دے رہا ہوں۔ میں آج اپنے

بھرا مقدمہ نمبر 5/14 رجسٹر 05-04-2021 منفی

05-04-2021 عنوان عامہ حسب نام D.H.A

لاہوریوں۔ نمبر 5/Expw کے تحت ہر 24

قطعات ہیں۔

XX ————— بجانب ملزم الیکٹرا

(نڈارد موقع دیا گیا)

XX ————— بجانب غائبہ ڈیپارٹمنٹ

(نڈارد موقع دیا گیا)

سن کر درست تسلیم کیا

\_\_\_\_\_

MAZAL NASIR SHAN  
Senior Civil Judge, Peshawar  
Peshawar

Date. 19.11.2021

ATTESTED

21 FEB 2022

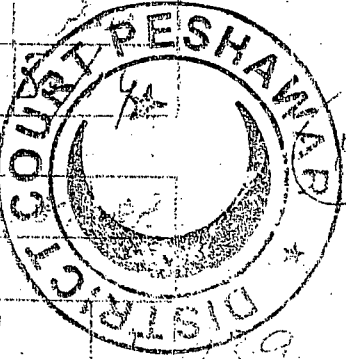
(Examiner)  
District Court Peshawar

195

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ADMISSION

نمبر	تاریخ	الرجوع	نمبر
24	5/4/21		5/4/21
	DHA	نمبر	نمبر
	تعداد		
	Tota		
	1	1	
	3	2/4	2
	5	5/9	3
	14	10/23	4
	1	24	5
			5
			7
			8
			9
			10
			11
			12
			13
			14
	10/4/2021		15
			16



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1072

Signature of the official.

Exp W 05  
01

Sr. Pesh

**ATTESTED**  
21 FEB 2022  
(Examiner)  
District Court Peshawar

19-11-2021  
(24 sheets)

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*[Handwritten signature]*

FORM "A"  
FORM OF ORDER SHEET

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

Case No. \_\_\_\_\_ of \_\_\_\_\_

140

Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel, where necessary
1	2	3

Order.....1

5/9/2021

Civil Appeal / Civil Revision / Rent Appeal / Family Court Appeal with Stay Application / Insurance Petition / Criminal Appeal / Criminal Revision / Transfer Application / Application for Consolidation of cases / Criminal Complaint u/s 3 of Illegal Dispossession Act / Application u/s 22-A Cr.PC / Application u/s 491 Cr.PC / Civil Suit / Object Petition / Land Acquisition Reference / Restoration Application / Application for Setting Aside Ex-parte Order / Application for Submission of Challan / Application for Return of Vehicle / Misc: Application / Complaint under Consumer Court submitted by Mr. \_\_\_\_\_

*[Handwritten signature]*

Advocate. To be put up

before learned District & Sessions Judge, Peshawar for further orders.

Superintendent  
*[Handwritten signature]*  
 Superintendent,  
 Sessions Court, Peshawar.

Order 05/04/2021

Entrusted to the Court of learned Additional  
 District & Sessions Judge-IX, Peshawar for  
 disposal.

*[Handwritten signature]*

(MUHAMMAD YOUNAS)  
 District & Sessions Judge, Peshawar  
 Dated: 05-04-2021

ATTESTED

21 FEB 2021

(Examiner)  
 District Court Peshawar

292

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7/2

IN THE COURT OF MUHAMMAD TAHIR AURANGZEB AD & SJ-IX, PESHAWAR.

Mst. Sabiha & others Vs Assistant Director: DHA & others

Or.....01  
05/04/2021

Appeal received. Be registered.

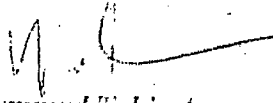
The appellant argued that in civil suit No. 141/I decided on 02/2/2020 judgment and decree was passed in their favour against the Respondents and the Respondents were directed to hand over 67 numbers of files of plots, one kanal each, to the appellants.

Facts are that the respondents acquired the landed property of the appellants and started the project of DHA on the spot. Beside the payment of land, they have committed to hand over certain plots to the appellant after its development. The appellant was apprehending now that the respondent has started development on the spot and the prices raised up rapidly. It was apprehension of the appellant that the Respondent will not abide by their commitment. During the execution proceedings they approached the learned trial court for issuance of temporary injunctions against the respondent with the learned trial court has refused and issued notice to respondent.

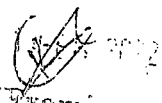
The appellant stated at the bar that the Respondent has not filed any appeal against judgment and decree dated 02/02/2020 in case titled "Sabiha and others Vs DHA". In the light of above circumstances, affidavit of appellant and ex-parte record coupled with 56(d) of specific relief Act, the Respondents are not restrained from developmental work at the spot however they are directed to preserve 67 files till date fixed before learned trial court, subject to notice to the Respondent. Any subsequent transfer to this extent if not preserved will have no effect against the rights of appellant subject to notice to Respondent and till date fixed before the learned trial court. Appeal disposed of. Copy of this order sheet is sent to Respondent and learned trial court.

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

Announced  
05/4/2021

  
Muhammad Tahir Aurangzeb,  
AD&SJ-IX, Peshawar

ATTEST

  
Examiner,  
District Court

2/3

①

①

محکمہ عدالت فیاض آباد ڈی ایچ اے

14/4/11

stitution Branch (Sessions)  
New Judicial Complex,  
Peshawar

- ① محکمہ عدالت فیاض آباد ڈی ایچ اے
- ② محکمہ عدالت فیاض آباد ڈی ایچ اے
- ③ محکمہ عدالت فیاض آباد ڈی ایچ اے
- ④ محکمہ عدالت فیاض آباد ڈی ایچ اے
- ⑤ محکمہ عدالت فیاض آباد ڈی ایچ اے

پیشوا

منج

① ایس ایف ڈی ایچ اے

② ڈی ایچ اے

③ ڈی ایچ اے

④ ڈی ایچ اے

ATTESTED

21/4/11

(Examiner)  
District Court Peshawar

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Supervisor  
Sessions Court, Peshawar

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11

6

کند علی

یہ ہے ایڈوانسمنٹ اور وغیرہ لیون بلا اور طرف رسید گزار  
دائرہ کی تو یہ صورت  $\frac{2}{2020}$  کو جو ایڈوانسمنٹ منظور ہوا

11

یہ ہے ایڈوانسمنٹ اور وغیرہ لیون بلا اور طرف رسید گزار  
ظہوری عدالت میں دائر کی جو نہ ہو

6

یہ ہے ایڈوانسمنٹ اور وغیرہ لیون بلا اور طرف رسید گزار  
موتی حکم نسبت اجراء کا روائی نہ ہو جو عدالت کو روکے  
ایڈوانسمنٹ میں جو حکم احتیاجی گزار گیا ہے اس میں عدالت صافی  
نہ حکم احتیاجی جاری فرمائے گی بجائے طرف اور اس میں

11

یہ ہے ایڈوانسمنٹ اور وغیرہ لیون بلا اور طرف رسید گزار  
یہ ہے ایڈوانسمنٹ اور وغیرہ لیون بلا اور طرف رسید گزار

17

دعوات

یہ ہے ایڈوانسمنٹ اور وغیرہ لیون بلا اور طرف رسید گزار  
اور روئی عدالت میں اور قتل میں

11

یہ ہے ایڈوانسمنٹ اور وغیرہ لیون بلا اور طرف رسید گزار  
دیکھو اس غلط فیصلے صورت  $\frac{4}{3}$  صادر ہوا ہے

ATTESTED

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یہ ہے ایڈوانسمنٹ اور وغیرہ لیون بلا اور طرف رسید گزار  
ماہیت میں جو جو ہوا شامل شدت میں اور گوانی  
کی اور صفائی میں رہنے اور اس کو سیکرٹری کے پاس

Distate

17

یہ ہے ایڈوانسمنٹ اور وغیرہ لیون بلا اور طرف رسید گزار  
دائرہ کی فرمائی ہے جس میں ایڈوانسمنٹ صورت  $\frac{2}{2020}$  کو  
عدالت ماہیت اور غلط اور غلط جانوں فیصلے صورت  $\frac{4}{3}$  جاری فرما کر جو کہ شامل شدت میں

Supintendent  
Special Court Peshawar

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2- That the petitioner is seeking the implementation of judgment and decree earlier passed by above Learned Worth Civil Court, Peshawar, Vide dated 02-02-2020, as under detail.

S.No	Description of Questions	Detail of Answers/Decree
1-	Civil/Family Suit No. And Year.	No.141/1 of 2019. Dated 02-05-2019.
2-	Names and Descriptions of Parties. Alongwith Addresses.	<p>1-<u>Mst. Sabeeha</u> w/o. Muhammad Saeed  2-<u>Mst. Faiqa Huma</u> w/o. Muhammad Shoab  3-<u>Mst. Shah Room</u> wife of Abdul Razzaq  4-<u>Mst. Falak Naz</u> wif of Muhammad Rafique  5-<u>Mst. Nasreen</u> wife of Qasim Jan Ali, all Resident of Shahi Bala, Tehsil and District Peshawar.</p> <p><b>VERSUS</b></p> <p>1-<u>Assistant Director</u>, (Land), Defence Housing Authority (DHA), Peshawar Cantt.  2-<u>Defence Housing Authority</u>, (DHA), Peshawar through its administrator, Peshawar Cantt.  3-<u>Adminstrator</u>, Khyber Pakhtoon Khawa (KPK), Defence Housing Authority (DHA), Peshawar Cantt.  4-<u>Secretary</u>, Defence Housing Authority (DHA), Peshawar Cantt.</p>
3-	Date and year of decrees.	Dated 02-02-2020, by the Court of Honourable Miss. Nosheen Nisar Saibia, Civil Judge XVII, Peshawar.
4-	Whether any appeal was preferred. If so then detail of appeal decision.	NIL
5-	Whether any payment was made or compromise was effect between parties. If so then detailed be mentioned accordingly.	Nothing any Payment or Deposit any Amount or any other Claim by Handing over 67-Files of Plots to Decree Holders, nor Transfer the same in Favor of Petitioners as Per Judgment. (NIL).
6-	Detail of previous application, if any made.	NIL
7-	Detailed of actual decrees and relief which giving the courts of law.	<b>CIVIL COURT</b> Learned Trial/Civil Court, Peshawar, While Decreeing the suit for Specific Performance and Directed to the Defendants (Judge Debtors), to Hand over 67-Number of Files of Plots (one Kanal each) at DHA-Peshawar, to the Plaintiffs,

*[Handwritten signature and stamp]*

It is therefore, respectfully prayed that the instant application/petition may be accepted and by keeping the above circumstances and reasons in view an appropriate order may kindly be issued by way of implementation/ to execute the Judgment and Decree Dated 02-02-2020, by the Court of Honourable Miss. Noshen Nisar Sabiha, Civil Judge XVII, Peshawar, regarding decrees/relief and claims of petitioner/decree holder, (Plaintiffs), against respondents/Judgments Debtor, (Defendants), by way of stoppage of salaries, attachment of accounts and arrears of lands, or attachment and auction of property in question as well as other commercial property of Judgment Debtor (I HA), or through arrest of Judgment Debtors and detention in jail through bail of court and through all other enabling mode of Execution to Recover and Handing over the Decretal Plots 67-Number of Commercial Files in favor of the Plaintiffs/Decree Holders, in lieu of the property earlier Transferred and Handed Over to DHA-Peshawar by the plaintiffs (Decree Holders), through Registered Deed No.1935, Bhat No.1, Volume No.2207, Dated 22-12-2016, or other claims which decreed in favor of plaintiffs/petitioners/decree holders or returned of exclusive transfer land, for the interest of justice, accordingly.

P R A Y E R.

10-	Measure and Detail of Implementation of Execution, which Sort from Court of Law.	Prayed for Appropriate Order to Implement and to Execute the above Judgment and Decree of above Worthy Civil Court, Peshawar, to Decree/Relief of Plaintiffs/Decree Holders, accordingly.
9-	Name and Description of person or persons, against Whom Decree required to be Executed.	1-Assistant Director (Land), Defence Housing Authority (DHA), Peshawar Cantt. 2-Defence Housing Authority (DHA), Peshawar Cantt. 3-Administrator, Hyber Pakhtoon Khawa (KPK), Defence Housing Authority (DHA), Peshawar Cantt. 4-Secretary, Defence Housing Authority (DHA), Peshawar Cantt.
8-	Whether Costs of Suit was Decreed if so then Detailed of Costs.	NIL
		In lieu of the property earlier Transferred and Handed Over to DHA-Peshawar by the plaintiffs (Decree Holders), through Registered Deed No.1935, Bhat No.1 Volume No.2207, Dated 22-12-2016.

11/11/2016

*[Handwritten signature]*

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*[Handwritten signature]*

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Any other relief which this honorable court deems fit and proper may also be awarded to the applicant accordingly.

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*[Signature]*

APPLICANT/DECREE HOLDERS  
THROUGH ATTORNEY MUHAMMAD SHAFI

THROUGH

*[Signature]*

MUHAMMAD IMAD ADNAN MALIK  
ADVOCATE HIGH COURT.

VERIFICATION

It is verified on oath at Rawalpindi on this day of 1<sup>st</sup> November-2020, that the contents of above application are true and correct to the best of my knowledge and belief and further nothing has been concealed there from accordingly.

*[Signature]*

DEPONENT/APPLICANTS.

*[Signature]*

02 APR 2021

District Court Perambur

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

Civil Suits No. 141/1

1. Mst.Sabeaha 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/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.....02/01/2020

**ATTESTED**

31 OCT 2020

(Examiner)  
Civil Court Peshawar

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

*Noshi*  
NOSHEEN NISAR  
CIVIL JUDGE-XVII  
PESHAWAR

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IN THE COURT OF NOSHEEN NISAR, CIVIL J. DGE-XVII, PESHAWAR

transferred and handed over the possession of the property measuring 268 kanals consisting of Khawra No.533,534 and 535 at Moza Shahi Eala 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 plaintiff in lieu of the property transferred to defendant through the registered deed No.1935 as mentioned. Defendants were duly served and their representative namely Fazal-e-Mola, Tehsildar at DGH A, 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. Afterwards ex parte evidence of plaintiffs was recorded.

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**ATTESTED**  
31 OCT 2020  
(Examiner)  
Civil Court Peshawar

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 Muhammed Rafiq as PW-3 being marginal witnesses of the deeds and supported the stance of the plaintiffs. Similarly, plaintiffs examined themselves through attorney namely Muhammad Shafi Khalil as PW-4 who fully supported the stance of the plaintiffs and contents of the plaint.

*Nadi*  
NOSHEEN NISAR CIVIL JUDGE  
PESHAWAR

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

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~~156~~ 113

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 khasra 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 ExpPW-12, transferred the property measuring 268 kanals out of 345 kanals and 19 marlas in favour of defendants/DHA, Peshawar vide registered deed ExpPW-11 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 defendant.

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**ATTESTED**

31 OCT 2024

(Examiner)  
Civil Court Peshawar

NOSHEEN NISAR CIVIL JUDGE XVII PESHAWAR

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

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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.

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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 Eahi 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

*Nosheen Nisar*  
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.

CERTIFIED TO BE TRUE COPY

*(Examiner)*  
Copying Agency Civil Court  
Peshawar.

*Nosheen Nisar*  
NOSHEEN NISAR  
CJ-XVII, Peshawar

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**IN THE COURT OF NOSHEEN NISA, CIVIL JUDGE-XVII,**

**PESHAWAR,**  
**Civil Suits No.141/**



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/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**

Plaintiffs have brought the instant suit against the defendants for specific performance, declaration, 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**  
31/02/2020  
(Examiner)  
District Court Peshawar

Nd. J  
Nusheen Nisar  
Civil Judge-XVII,  
Peshawar



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~~Handwritten signature~~

160 (17)

مقدمہ ایذا بتاریخ 2/5/20 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

M. Nosheen Nisar  
CJ-XVII, Peshawar

Seal

خرچہ نمائش

روپیہ	پیسے	مدعا علیہم	مدعی	روپیہ	پیسے
		/	استدعا علیہ عرضی وی		
/	/		نور علیہ		
			آرٹیکل نمائش		
کل میزان					

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




Seal

CERTIFIED TO BE TRUE COPY

(Examiner)  
Copying Agency Civil Court  
Peshawar.

M. Nosheen Nisar  
(Nosheen Nisar)  
Civil Judge-XVII,  
Peshawar

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پشاور بار ایسوسی ایشن، سیر پختونخواہ		
اینٹرنیشنل ڈوران بار کونسل، ایسوسی ایشن نمبر [DC-09-15] راجسٹرڈ نمبر: (63) 9033-0315		

H2

بجالات جناب: \_\_\_\_\_

منجانب: سیدہ نسیم بیگم DHA	دعویٰ: عدالت نمبر: مورثہ: جرم: تھانہ:
-------------------------------------	---

مقدمہ مندرجہ عنوان بالا میں ایچ ایچ ایف سے وابستہ بیرون رجواب کی کارروائی مختلف  
 آج کے مقام پر پلے 17 کلید پر درج ہے۔  
 کر کے اقرار کیا جاتا ہے کہ احب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقررات فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست ازہم کی تصدیق  
 ذریعہ پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم بیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظر ثانی و بیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
 مقرر شدہ کو وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پرواخذہ منظور قبول ہوگا  
 دوران مقدمہ میں جو فرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے  
 باہر ہو تو وکیل صاحب پابند ہوں گے کہ بیروی مذکورہ کریں، البتہ وکالت نامہ لکھو یا اس کے ذریعہ

الم رقم \_\_\_\_\_

الم \_\_\_\_\_

ATTESTED Superintendent Sessions Court

21 FEB 2022 (Examiner)

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بیان فضل صولا اسٹیکٹ نیٹل آفسرز D.H.A. پشاور

pw. 06  
19.11.2021

(114)

ملاحظاً بیان کیا کہ میں D.H.A. پشاور میں

ظہور اسٹیکٹ نیٹل آفسرز اپنی ڈیوٹی سرانجام دے رہا

163

ہوں۔ اور آج میں عدالت کے حکم پر اپنا بیان قلمبند کرنے  
آ رہا ہوں۔ اس سے پہلے میں نے ابتدائی ڈیوٹی سرانجام

مورخہ 21.05.2021 ظہور 02 سے عدالت پشاور

میں ماہر ~~ADJ~~ پشاور اپنا بیان قلمبند کر چکا ہوں۔

آج میں نے مندرجہ / مقدمہ فی / 1411 ، مورخہ 02.05.2019

مقابلہ 02.02.2020 لہجوان عمارت صبر و شکر نام

D.H.A پشاور جو کہ  $Expw. 09$  سے بیان میں

FAZAL NASIR  
Senior Civil Judge  
Peshawar

19.11.21

منظور شدہ ہیں۔ اور اس کے لئے میں نے مقدمہ صلا

حیں نہ تو کوئی سمن / نوٹس وصول کیا ہے۔ اور نہ ہی

میں نے سمن / نوٹس پر دستخط کیا ہے۔ اور نہ ہی میں نے

عدالت کے نوٹس میں مقدمہ صلا میں پیش کیا ہے۔ اور نہ ہی

عدالت کے نوٹس سے کسی قسم کی عہدت مانگی ہے۔

xx — مجانب ملزم ایسکا

ڈگری کے بارے میں میں علم اجراء خائن کے نوٹس سے سوا۔

ATTESTED

21/11/2021

(Examiner)  
District Court Peshawar

~~213~~

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xx - - منجانب من ائذنه في بيان كفت

psw.06  
19.11.2019  
جاری

765

مقدمہ کی 14/11/19 لفظوں سماہ صمیمہ نام D.H. سے

جو کہ پہلے سے 02/09/19 Esw ہے، مطابق آڈٹ ریسٹ

نمبر 03.07.2019 میں آئیں حاضری لگائی

گئی ہے، کیا آپ اس تاریخ پر پیش عدالت

ہذا میں پیش ہو کے تھے؟

ج:۔ میں مذکورہ کسی میں عدالت میں اس تاریخ پر

عدالت میں پیش نہیں ہوا تھا۔

س:۔ مقدمہ کی 14/11/19 میں مطابق آڈٹ ریسٹ کی 08 ص 08

27.07.2019 کے مطابق آئیں حاضری لگائی

گئی ہے، اور آپ کی طرف سے جواب دلجوی جمع کرنے

کے لیے مہلت طلب کی گئی ہے، کیا یہ درست ہے؟

ج:۔ یہ سچ ہے، میں نہ عدالت میں پیش ہوا ہوں

اور نہ ہی میں نے مہلت مانگی ہے۔

اس تاریخ میں 06.2019 - 11 کو عدالت

پیش نہیں ہوا ہوں۔

ATTESTED

21/11/2019

(Examiner)  
District Court, Peshawar

(214)

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P.03

psw.06

19.11.2021


کاری

(166)

مجھے علم نہ ہے کہ اجراء کا نوٹس کون لے کر آیا تھا۔  
 پان کے سپر اہ کوئی آیا تھا۔ اجراء میں نوٹس وصولی  
 کے لیے ہم نے مقدمے کا ریکارڈ نکالا اور اس بنا پر ہم  
 نے درخواست (2) 12 دیکھی ہے۔ ہم نے ڈسٹرکٹ جج  
 کے خلاف کوئی کارروائی نہیں کی ہے۔ القہ ہم نے فائل میں  
 بھی نہ اٹھے حوالہ کن ہے۔ زور نہ اٹھوں نے کوئی اور  
 قاعدہ لیا ہے D.H.A کی طرف سے کوئی آئٹمز نہیں  
 ہوئی ہے۔

کا

سن درست ہے

  
**BAZE NASIR SHAH**  
 Advocate  
 Peshawar

Date: 19.11.2021

NOT RECEIVED



Dist. Peshawar

(215)

~~315~~

P. 1

بیان سجاد احمد Acc نمائندہ ڈیپارٹمنٹ ڈسٹرکٹ

P.W. 07

26.11.2021

ایڈیشن جی سیٹار

(47)

حافظ بیان سیکرٹری آف سروسز

166

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ممبر 87-84 مورخہ 20.10.2021 سے از قلم سید علی خان سید

سول جج ایڈیشن سیتار کے مطابق جس میں بطور نمائندہ ڈیپارٹمنٹ  
انٹرویو پر خلاف قیصر خان نائب ناظر انٹرویو آفیسر سید  
سول جج جوڈیشل کے پاس رٹرن کوئی ہے۔ میں پیش ہوا ہوں  
آفس آف ریکورڈز والا Expw ہے۔ ملاحظہ فرمائیں جو

FAZAL NASIR SUHAI  
Senior Civil Judge, District  
Peshawar

26.11.21

لیٹر نمبر 7035/MIT مورخہ 22.09.2021 میں انکسپشن سیم

سیتار یا آئی ٹوڈٹ سیتار شروع کی گئی ہے۔ جیسی ڈسٹریکٹ Expw  
ہے۔ قبل ازیں ایک عدد فنڈ فنڈنگ انٹرویو جناب

محمد ساجد صاحب ADJ سیتار نے بھی کی تھی۔ جسکی روٹیشن  
میں ملزم ایک کے خلاف ذمہ داری نمائندگی ہے۔ مذکورہ

انٹرویو Expw ہے۔ جوہر مشتمل ہے 44 صفحات

ہے۔ ابتدائی انٹرویو جو الٹرو جیسی ڈسٹریکٹ Expw 397/MIT

مورخہ 06.04.2021 سیتار یا آئی ٹوڈٹ سیتار شروع کی گئی

جسکی نقل Expw ہے۔ حیدر انٹرویو ایک عدد جعلی ڈسٹری

ATTESTED

21 FEB 2022

(Examiner)

216

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P. 02

PW. 07

26.11.2021

جاری

جوہر سول جج XVII پیٹار کی عدالت جاری کی گئی تھی

جوہر مشن پر پلے سے موجود ہے جوہر / 02 PW Exp / 09

پلے سے 02 PW کے بیان میں مظہر شدہ ہے ڈگری

مذکورہ کے خلاف D.H.A پیٹار نے ایک درخواست

12(2) دائر کی ہے جوہر نا حال عدالت جناب

سول جج صاحب XVII میں زیر جوہر ہے درخواست

12(2) پلے سے بطور 02 PW Exp مظہر شدہ ہے

اور مشن پر موجود ہے دیگر متعلقہ ریکارڈ گواہان نے

پلے سے شامل مشن کیا ہے

xx — جناب ملزم ایک کار

مہر درست ہے کہ میرے سامنے ملزم ایک کار نے جعلی

ڈگری کو کیوٹر پر ثابت نہیں کیا ہے۔ ہم جس درست ہے

کہ کسی بھی گواہ نے یہ نہیں کیا ہے کہ ہمارے سامنے

ملزم ایک کار نے کیوٹر پر جعلی ڈگری ثابت کی ہے

باج صاحب کے جعلی دستخط ثابت کر کے میرے سامنے

میں نے درست تسلیم کیا

\_\_\_\_\_

MAZUL NASIR SHAH  
Civil Judge (Judicial)  
Peshawar

Date: 26.11.21

ATTESTED

21 FEB 2022

(Signature)  
District Court Peshawar



**DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR**

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

No. 1184-87  
Date of Peshawar 02-10-2021

217

*(Handwritten initials)*

*(Handwritten initials)*

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

**ORDER**

*EA. Pw 9/11*

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.

*SCJ 26/10/2021*

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

*(Signature)*  
[Muhammad Sher Ali Khan]  
Senior Civil Judge (Admin)  
Peshawar  
*02/10/2021*

Endorsement No. 1184-87 Dated Peshawar, the 02/10/2021

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.

*(Signature)*  
Senior Civil Judge (Admin),  
Peshawar.  
Senior Civil Judge (Admin)  
Peshawar.  
*02/10/2021*

**ATTESTED**

**21 FEB 2022**  
**(Examiner)**  
**District Court Peshawar**



218

*(Handwritten initials)*



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  
phcps@gnail.com

No. 735 /MIT

Date: Peshawar the 22/09/2021

To  
✓ The District & Sessions Judge,  
Peshawar.

Subject: - APPLICATION/COMPLAINT (C# 22-49)

**CONFIDENTIAL**  
Office of the District & Sessions Judge  
Receipt No. 1287  
Dated 24/09/21  
Peshawar

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.

*(Signature)*  
**(MUHAMMAD ASIF)**  
Member Inspection Team

**ATTESTED**

21/09/2021  
*(Signature)*  
District Court Peshawar

*(Signature)*

P-1

بیان مجاہد علی سنیر کلرک / ریٹائر سول جج صاحبہ XXVII نمبر

Dw.1

03.12.2021

*(Signature)*

حکماً بیان کیا کہ مقدمہ بعنوان معاذہ عبیدیم وغیرہ

نمبر D.O.A پشاور نیجاری عدالت کے کسی بھی ریگڈر میں

حسب قانون و ضابطہ درج نہ ہے۔ البتہ فیصلہ میں رجسٹر کے

کالم نمبر 14 پر صرف 03.02.2020 میں جو کسوں کے

31/ دسمبر 2020-01-16 بعنوان ذاکر اللہ شاہ گمانڈر RCP

فیصلہ نمبر 06.02.2020 کے اندراج کے بعد نیچے لکھے سیریل

نمبر کے وصول، دی، لوگس، فرسب و جعل سازی کرنے ہوئے

نامعلوم مجرم نے غیر قانونی طور پر بلا جواز اندراج کیا۔ سنیر

سیریل فیصلہ میں رجسٹر کے مطابق سیریل نمبرات فرسب شدہ

ہیں۔ جس میں جو اندراج کیا گیا ہے۔ وہ میرے یا لوگس کے اندراج

شدہ نہ ہے۔ اس نسبت استدعا کیا ہے کہ غیر شدہ

انسٹی کوئی سیریل انٹیک ایبلٹیٹ بھیجوا جائے تاکہ غلط

اندراج کے بارے میں وضاحت ہو سکے۔ رجسٹر فیصلہ میں مکمل

طور پر میرے فیصلے میں نہیں ہوتا ہے۔ اور ٹائٹ ناظر / حشر

بھی استعمال کرتے ہیں۔ اور تمام عدالتی سٹاف کی دسترس میں

اور بیچ میں معری موجودگی اور غیر موجودگی میں ہوتا ہے۔

215

N

FAZAL NASIR SHAH  
Senior Civil Judge, (Judicial)  
Peshawar

03.12.21

ATTESTED

21 FEB 2022

(Examiner)  
District Court Peshawar

P.02

~~Signature~~

DW.1  
03.12.2021  
عاری

اور پھر عبث کمرہ عدالت سے کمرہ نمائندگیاں / عمر عدالت  
میں لقمہ ماہوار اور weekly Report تیار کرنے

کی غرض سے لے جایا کرتے ہیں۔ مقدمہ مذکورہ بالا کا  
اندراج اسلئے فرضی و جعلی ہے کہ پھر سبھی عدالت

میں سنسروان جج صاحب نے ماری نہیں ہوا۔ میں  
نے صرف 06-10-2021 کو چارج شیٹ صدر

01-10-2021 کا تفصلاً جواب دیا ہے جو کہ میرے  
اس بیان کا ہم لھو کھا جائے اور اس سے ساکھ ملا کر

پڑھا جائے میں نے کوئی غلطی، جرم اور جعل سازی  
نہیں کی ہے۔ اور نہ مجھے اسکے بارے میں کوئی علم ہے

میں چونکہ بے گناہ ہوں اسلئے مجھے تمام الزامات سے  
بری فرمایا جائے۔ اس سے پہلے میں ADJ صاحب

کو ابتدائی انٹرویو میں اپنا بیان ریکارڈ کرا چکا ہوں  
xx - - - - - صاحب نامزدہ ڈیپارٹمنٹ

میں درست ہے کہ ڈاک ہیں ریڈر عدالت کی حکایت  
میں ہونا ہے۔ یہ بات بھی درست ہے کہ ہم جج صاحب کو ہمیں

تھیرے مفصلوں کے بارے میں آگاہ کرتے ہیں۔ چونکہ انٹرویو سے  
میں مفصل ہیں میں نے 14/11/2021 کو عدالت میں دیا ہے

FAZAL NASIR SENI  
Senior Civil Judge (J) ...  
Fazal ...

03.12.21

ATTESTED  
21  
(Executive)

~~266~~

D.W. 1

03.12.2021

حاری

7112

اندراج نہیں تھا۔ اسلئے میں نے اس بائیکاچ صاحب کو  
غلط انٹری کے متعلق آگاہ نہیں کیا۔ یہ درست ہے کہ جب  
آپ (سجاد Ace) نے یہی دفعہ میری ڈو آگ ہی دکھی  
تو اس میں مقدمہ 141/01 کا اندراج موجود تھا۔ ملزم / ایڈوکیٹ  
نے وضاحتاً کہا کہ ڈو آگ ہی میں مقدمہ کا اندراج نہیں تھا۔  
کتنے جب لوگس ڈگری کے بارے میں بات پھیل گئی تو اس  
مقدمہ میں میں نے ڈو آگ ہی میں مقدمے کا اندراج کیا ہے  
میرے اندازے کے مطابق لکھائی نائک ناظم / محرم کی گئی ہے  
اس وقت پورا کوئی محرم تصدیقات نہیں تھا۔ میرے  
پاس محرم کے کمرے کی چابی نہیں تھی۔ جس دن محرم چھٹی  
پر ہونا تو تو ایک دن میں مجھے موٹا (امتیازات)  
ہوا کہ کمرے جانا پڑا۔ اسی دن کسی اور ایڈوکیٹ کو یہ ذمہ داری  
دیا کہ اس دن کی امتیازات عدالت کو ہوا کہ میرے  
میں سے ایڈوکیٹ کا نام نہیں جاسکتا۔ جب اجراء عدالت  
میں داخل ہوئی تو مجھے یہ پتا نہیں تھا کہ اس میں جو لٹور  
گئی ہیں وہ جعلی ہیں۔ یہ بات میں نے حج صاحب کے علم  
میں لائی تھی کہ مذکورہ بالا اجراء میں اسٹور رپورٹ  
جو کہ محرم عدالت محرم کر رہا ہے۔ وہ موجود نہ تھی۔ اس  
میں حج صاحب نے فرمایا کہ یہ مقدمہ میں P.T. 0

277

FAZAL NASIR SILAH  
Senior Civil Judge, District  
Peshawar  
03.12.21

ATTACHED

~~266~~

District

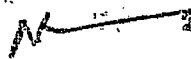
~~218~~

اُقرارات موجود ہیں۔ اُسی سے اصل مسئلہ رٹکارڈ رقم سے طلب ہو۔ جب اجراء میں اصل مسئلہ آگے تب یعنی عین اندازہ نہ ہوا کہ ڈگری جعلی ہے۔ چونکہ عدالت میں بہت زیادہ فائلنگں ہوتی ہیں۔ یہ بات درست ہے کہ اجراء مورخہ 2020.12.11 کو قیام پندر

218

مسئلہ کی اطلاع سے میں مارکٹ ہوا۔ جب مجھے نصیبہ پہلے کے اندر غلط اندراج کا علم ہوا تو میں نے جمع صاحب کو تحریری طور پر کوئی درخواست نہیں دیا۔ البتہ زبانی طور پر آگاہ کیا۔ ایک شخص بطور اختیار حاصل آتا تھا۔ جبکہ میں سامنے آنے پر شناخت کر سکتا ہوں۔ مگر نام نہیں آتا۔ درر پیڈری کا کہیں میں پیش ہو گیا تھا۔ جب میں نے اختیار درر وکلاء کو آگاہ کیا کہ ڈگری جعلی ہے اُنہوں نے عدالت آنا چھوڑ دیا۔ البتہ (2) (2) میں مختلف وکلاء آتے جاتے ہیں۔ یہ جو نوکرنا غلط ہے میں ان لوگوں کو جاننا ہوں درر رٹن سے ملا ہوا ہوں۔

میں کر درست تسلیم کیا

  
 EAZIL NASIR SHAH  
 Senior Advocate (Judicial)  
 Peshawar  
 Date: 03.12.2021

ATTORNEY

~~218~~

Date:

223


~~268~~

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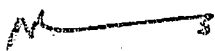
~~268~~

سرکار نایب محمد علی

219 من مزید شہادت پیش منیٰ مرنا حیاتا

  
محمد علی درید

من اور دست نمسور

  
NASIR SHAH  
Senior Civil Judge, (Judicial)  
Peshawar  
Date: 10.12.2021

ATTESTED

219 

(Examiner)  
District Court Peshawar

224

*[Handwritten signature]*

BEFORE THE HON'BLE MR. SHEF ALI KHAN, LEARNED SCJ  
(Admin) PESHAWAR, THE WORTHY INQUIRY  
OFFICER

REPLY TO THE SHOW CAUSE DATED 06-01-2022

Respectfully Sheweth:

Qaisar Khan, Naib Nazir / Muharrar, District Courts Peshawar, the petitioner submits most respectfully the following statement / reply in respect of the show cause dated 06-01-2022 for your kind consideration and favour of acceptance.

Para Wise Reply

- 1) That while serving as Muharrar attached to the court of Civil Judge XVII, Peshawar, a complaint was filed on behalf of Assistant Director Land, DHA against a decree allegedly passed on Sunday being a public holiday.
- 2) That on the directions of the august High Court, the learned D&SJ Peshawar, appointed Mr. Muhammad Sajid, AD&SJ-XII, Peshawar as an Inquiry Officer vide office order dated 09-04-2021.
- 3) The worthy Inquiry Officer submitted his report dated 06-07-2021 followed by Charge Sheet and Statement of Allegations dated 02-10-2021, wherein charge against him is mentioned as under:
  - 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.
- 4) That Mr. Fazal Nasir Shah learned SCJ (Judicial) was appointed as an Inquiry Officer in the instant matter vide order dated 02-10-2021 of the Learned SCJ (Admin) Peshawar. The petitioner submitted his reply dated 08-10-2021 to the worthy Inquiry Officer. The Inquiry report was submitted on 03-01-2022.
- 5) Consequent upon the findings of Inquiry report, the petitioner was served with the impugned final show cause notice dated 06-01-2022.
- 6) To begin with it is respectfully submitted that the procedure for institution of fresh suit is clearly described and followed by the courts all over the province in the similar fashion.

The fresh institution is made before the court of Senior Civil Judge, which then marked to any other Civil Court by the SCJ. The reader attached to the court of Civil Judge receives the case file, wherein entries are made in the Dak Book (SCJ) duly signed by the reader-in person. The Hon'ble Civil court makes necessary order regarding registration and reader of the Court enters in the fresh case into his daily diary register. Thereafter the case is received by Muharrar and the case is registered in civil register.

District Court Peshawar  
(Examiner)

2 FEB 2022

ACCEPTED

- 7) The petitioner received the court file from the court of learned CJ-XVII through the Peon and necessary entries were made in the relevant civil register along with 11 others freshly instituted cases on the same day.
- 8) The suit was disposed off by the Hon'ble court, wherein the case file was sent to the petitioner as Civil Muharrar for consigning the same to record room after necessary completion. The petitioner obliged according to the order accordingly.
- 9) It is necessary to mention that the suit file contained printed decree sheet, duly received from the Hon'ble court, wherein just small necessary entries were made by the petitioner and then the same was sent to the record room for its consignment. Thus the allegation of preparation of fake court decree is entirely incorrect and liable to be rescinded as such.
- 10) Needless to mention that the entries of the disposal of the suit file exists in the register of Faisla Bahi retained by the reader to the court and signatures of the worthy presiding Officer over each order sheet which were never proved to be fake till date.
- 11) It is worth mentioning that the worthy Inquiry Officer in his report dated 03-01-2022 has categorically stated that,

15. The person who has typed the plaint, the order sheets and the judgment dated 02-02-2020 on computer is not known as there is no direct evidence. Similarly the person who has written the evidence is also not known because of lack of direct evidence. It is also not proved through evidence that the accuser / official has typed the judgment and the order sheets etc. or has written the evidence of the PWs. However the circumstantial evidence is so strong that the active involvement of the accused / official in the whole process cannot be ruled out. His admission of receiving the plaint on 02-05-2019 and consignment of the case to the Record Room is enough to prove the charges leveled against him. Whoever may be involved in the criminal offence but the execution of the commission of the act was not possible without the active support of the accused / official.

- 12) That the entire observation regarding the alleged involvement of the petitioner has been based on assumptions, presumptions, conjunctures and surmises having no legal effect.

The findings of the worthy Inquiry Officer were not based on any substance or supported by any solid or cogent evidence. The Inquiry Officer while concluding his observations has admitted that, "16..... The charges against the accused are fully proved through circumstantial evidence." However no detail of such evidence was given, which makes the entire proceeding dubious and untrustworthy.

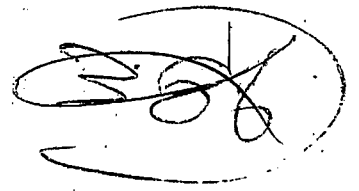
**ATTESTED**

21 FEB 2022

(Examiner)

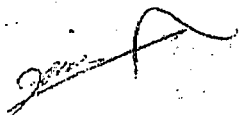
District Court Peshawar





- 13) That the petitioner has not committed anything wrong on his part, nor done any corrupt practice or violation of official duties, breach of trust and misconduct in official capacity, and had just followed the order contained in the order sheet of the suit file.
- 14) The petitioner has 20 years of long service at his credit and that neither any complaint was ever filed against him nor was any disciplinary proceedings initiated against him during entire period of his service.
- 15) That the impugned show cause notice has been based upon the Inquiry report, which is not only inconclusive but also a vague assertion based on whimsical approach of the worthy Inquiry Officer, which is liable to be struck down by the worthy authority.
- 16) The impugned action is thus not only arbitrary but also discriminatory and is against the principles of equity, law justice and propriety calling for interference by the worthy authority.

In view of the above, it is requested that by accepting this reply, the impugned show cause notice, may kindly be set aside while exonerating the appellant of all the charges leveled against him.



Qaisar Khan  
Najib Nazir / Muharrar,  
District Courts Peshawar

Peshawar, Dated  
15<sup>th</sup> January, 2022

**ATTESTED**

21 FEB 2022

(Examiner)  
District Court Peshawar