


FORM OF ORDER SHEET

Court of _____

Appeal No. 2282/2023

S.No	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/11/2023	<p>The appeal of Mr. Raj Wali resubmitted today by Mr. Muhammad Adeel Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshai is given to the counsel for the appellant.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

A. No. 2287/2023

Raj Wali, Ex. Patwari Halqa Regi Lalma S/O Imdad Khan R/O
Qanday Sadozai, Hazar Khuwani

VERSUS

Government of Khyber Pakhtunkhwa and others

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Appellant *Raj Wali Khan*

Through

Muhammad Adeel Butt
&

Humera Gul Shinwari
Advocates, High Court
Peshawar.

Dated:

(1)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

A.No-2282 /2023

Raj Wali, Ex. Patwari Halqa Regi Lalma S/O Imdad Khan R/O
Qanday Sadozai , Hazar Khuwani

-----(*Appellant*)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary Khyber Pakhtunkhwa, Peshawar at Civil Secretariat Peshawar.
2. Government of Khyber Pakhtunkhwa, through Senior Member Board of Revenue, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. Commissioner, Peshawar Division, Peshawar
4. Deputy Commissioner, Peshawar.
5. Additional Deputy Commissioner, Peshawar
6. Assistant Commissioner (AC) Hassan Khel Peshawar. District Peshawar

-----(*Respondents*)

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
ACT 1974, AGAINST THE IMPUGNED ORDER DATED 21/06/2023 , By
RESPONDENT No.4, WHEREBY THE APPELLANT WAS REMOVED AND,
IMPUGNED APPELLATE ORDER, BY RESPONDENT NO.3, DATED
02/09/2023 COMMUNICATED ON 16/10/2023, WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT WAS DISMISSED BY
THE APPELLATE AUTHORITY IN CLASSICALLY CURSORY AND
WHIMISICAL MANNER.**

Respectfully Sheweth:

1. That the appellant was appointed as Patwari on 28-12-2012 and since then he was performing to the best of his abilities. During the entire period he remained as Halqa Patwari , no

(2)

- complaint what so ever has ever been received to any office against him.
2. That on 17/05/2023, the Assistant Commissioner, Peshawar City, allegedly upon receipt of different public complaints, visited the Office of the Appellant, regarding inspection of official record. On the basis of some anomaly found in the office of the Petitioner, he formulates as many as 12 allegations against the petitioner and forwarded the same to the Additional Deputy Commissioner/ Respondent NO.5 for initiation of disciplinary proceedings against the Appellant. **(Copy of the Inspection Report is annexed as Annexure "A")**
 3. That on 15.06.2023 the Addl: Deputy Commissioner/Respondent NO.05 issued a show cause notice to the Appellant and the same was rightly replied but despite that inquiry Officer has shown absent the appellant from the departmental proceedings. In the inquiry report, the inquiry officer charged the appellant and suggested imposition of major penalty under Khyber Pakhtunkhwa (E & D) Rules, 2011. on the above said recommendation the worth DC imposed a major penalty of removal from service vide impugned order dated 21/06/2023 / along with fact finding inquiry report to the Appellant. **(Copy of the show cause is annexed as Annexure "B")**
 4. That on 21/06/2023, the Appellant was dismissed from service, on the basis of so called fact finding inquiry /probe, and without holding a full-fledged inquiry, as required under the Law, by Respondent No.4, upon anonymous Complaint **(Copy of the impugned dismissal order is Annexure "C")**.
 5. That feeling aggrieved from impugned Dismissal Order from Service, the appellant preferred departmental appeal on 20.07.2023 but the same was rejected by the Respondent No. 3 without any cogent reason, however, the same was communicated to the Appellant on 13/10/2023. Hence this Appeal inter alias on the following grounds. **(Copies of Departmental Appeal are as Annexure "D" and Appeal Rejection Order "E")**.

Grounds:

- A. That both the impugned orders are illegal without jurisdiction and based on malafide intentions that has caused stigma on the professional career of the Appellant.

(3)

- B. That the Constitution of Islamic Republic of Pakistan gives the right of fair trial. In the instant case the right to have fair Trial has been badly violated by the Respondents, hence, both the impugned orders can not be sustained in the eyes of law.
- C. That Major penalty cannot be awarded in the absence of Formal Inquiry. In the instant case upon the Fact Finding so called inquiry/probe by the Respondents, the impugned orders have been passed which is not tenable in the eyes of Law.
- D. That both the impugned Orders are passed in haste and in arbitrary manner, hence liable to be struck down forthwith.
- E. That in the instant manner even the fact finding so called inquiry has been conducted against the law and rules.
- F. That the appellant has not been treated in accordance law and rules on the subject.
- G. That the appellant has been discriminated, hence not been dealt in accordance with law and Constitution.
- H. That impugned orders are against the gist of Article 10-A Constitution of Islamic Republic of Pakistan.
- I. That no complaints whatsoever have been shown/shared/confronted with the appellant in the entire due course of so called inquiry.
- J. That in view of the statement given by Appellant, it was pivotal under the law that his statement should have been examined by dispensing with the inquiry the inquiry officer/respondents has violated the fundamental right of the Appellant, hence at this ground alone, both the impugned orders are liable to be set-aside.

“It is, important to mention that no impugned orders would have been issued if the Inquiry Officer had bothered to have looked in to the Court record as said by the Appellant in the due course of so called inquiry” . (Copy of Court Record is Annexed as Annexure “F”)

- K. That as per dictum of superior Courts, all the orders made with reasons, the instant Appeal departmental Appeal has been rejected without any cogent reasons, such orders are not sustainable in the eyes of law, hence the Removal order of the

Respondents is unwarranted, against the fact and law on the subject and is not sustainable at all.

- L. That any opportunity of personal hearing was not given to the appellant to defend and clear his position, and without any fault the appellant was removed from service. Therefore, the impugned removal orders are not only one sided and illegal, unlawful, void ab-initio but is also against the law as well as against the natural justice.
- M. That the impugned dismissal order is unlawful, illegal and liable to be set-aside because the Respondents utterly violated the service law, rules, regulations and policy of the Government for Civil servants while passing the impugned removal order.
- N. That the impugned dismissal order is the violation of the fundamental rights of the appellant, which is guaranteed and protected by the constitutional of Islamic Republic of Pakistan 1973.
- O. That any other ground not raised here may graciously be allowed to raises at the time of arguments.

It is, therefore, most humbly prayed that on the acceptance of instant appeal both the impugned orders may please be set-aside and the Appellant may please be reinstated in to service with all back and consequential benefits. Any other remedy deems fit may also please be granted under the circumstances.

Rajwadi Khan

Appellant

Through

Muhammad Adeel Butt
&

Humera Gul Shinwari
Advocates, High Court
Peshawar.

Dated:

NOTE: -

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

Humera Gul Shinwari
Advocate.

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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

_____/2023

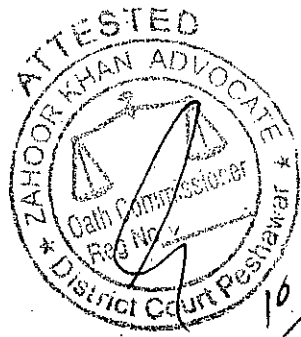
Raj Wali

VS

Government of Khyber Pakhtunkhwa and others

AFFIDAVIT

I, Raj Wali, Ex. Patwari Halqa Regi Lalma S/O Imdad Khan R/O Qanday Sadozai , Hazar Khuwani Peshawar, do hereby solemnly affirm and declare that all the contents of the accompanied **appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.



Raj Wali Khan

DEPONENT

17301-7811701-1

0315-9838208

5

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

_____/2023

Raj Wali, Ex. Patwari Halqa Regi Lalma S/O Imdad Khan R/O
Qanday Sadozai , Hazar Khuwani

VERSUS

Government of Khyber Pakhtunkhwa and others

ADDRESSES OF PARTIES

APPELLANT

Raj Wali, Ex. Patwari Halqa Regi Lalma S/O Imdad Khan R/O
Qanday Sadozai , Hazar Khuwani

RESPONDENTS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary Khyber Pakhtunkhwa, Peshawar at Civil Secretariat Peshawar.
2. Government of Khyber Pakhtunkhwa, through Senior Member Board of Revenue, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. Commissioner, Peshawar Division Division, Peshawar
4. Deputy Commissioner, Peshawar.
5. Additional Deputy Commissioner, Peshawar
6. Assistant Commissioner (AC) Hassan Khel Peshawar. District Peshawar

Raj Wali Khan
Appellant

Through

Muhammad Adeel Butt

&

Humera Gul Shinwari

Advocates, High Court
Peshawar.

Dated:



OFFICE OF THE
ASSISTANT COMMISSIONER, PESHAWAR CITY

☎: 091-9212304, 091-9210940 ✉: nepeshawarcity@gmail.com



Dated Peshawar the 17/05/2023

No. 1217/AC(City)

To: The Additional Deputy Commissioner (G),
Peshawar.

Subject: INSPECTION REPORT VISIT OF PATWAR KHANA REGI
LALMA

It is submitted that the undersigned visited Patwar Khana Regi Lalma today 17-05-2023 at 2:55 PM upon receipt of different public complaints. The Patwar Khana was found closed and Patwari namely Mr. Rajwali, was not present. He was contacted on telephone upon which he arrived and offered lame excuses for his absence.

The revenue record of the Patwar Khana was checked and following discrepancies were found:

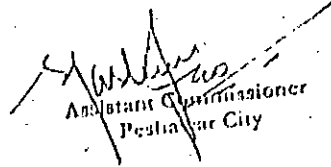
- (i) A parallel mutation register was found in the Patwar Khana used for entering fake mutations and to evade government taxes.
- (ii) Mutations were found entered without numbering the same.
- (iii) Some attested mutations (part Sarkar alongwith tax receipts) were found lying in the Patwar Khana, while the same should have been deposited in office of Office Kanungo for record.
- (iv) Mutation Register No.113 was scrutinized and observed that concerned Tehsildar did not attest some mutations
- (v) Some mutations were found having thumb impressions of parties/witnesses but without signatures of the Patwari and without mutations number and date.
- (vi) Some empty pages were found which were torn off from the Mutation Register.
- (vii) Official stamp of Naib Tehsildar Tahkal was recovered from the Patwar Khana.
- (viii) From 28-02-2023 no reference of attested mutations were entered in the register.
- (ix) Two mutations were found with forged mutation number and dates in Mutation Register No. 113.

[Handwritten signature and scribbles]

8

- (v) Parallel Gudawat Ehasa Register was also found with incomplete entries.
- (vi) One mention paper was found in such condition that impressions were affixed but nothing was written on the same.
- (vii) CPR of FBR tax receipts of head of account 236K and 236C were not available.

On account of the above discrepancies/violations, it is submitted that Patwar Mr. Rajwah be suspended immediately and disciplinary proceedings under PWD Rules 2011 may also be initiated against him.


Assistant Commissioner
Peshawar City

- CC: 1) Commissioner Peshawar Division for information please.
- 2) Deputy Commissioner Peshawar for information please.



THE DEPUTY COMMISSIONER, PESHAWAR

Tel: 091-9212301-02, Fax: 091-9212303, DC Peshawar

Dated: 15-06-2023

No. 372/DC(P)/DK

To

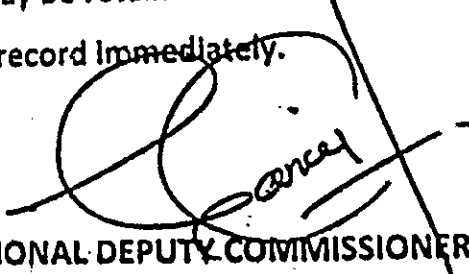
Mr. Raj Wall,
Patwari (under suspension),
(the then Patwari Halqa Regi Lalma), Peshawar

Subject: SHOW CAUSE NOTICE

Memo:

Enclosed please find herewith 2 copies of "SHOW CAUSE NOTICE" alongwith copy of Enquiry Report with the direction that one copy may be retained and the other copy be signed as a token of receipt and returned to this office for record immediately.

Encls:(As above)


ADDITIONAL DEPUTY COMMISSIONER (G)
PESHAWAR

ndst: No. and Date Even:

Copy to the PS to Deputy Commissioner, Peshawar.


ADDITIONAL DEPUTY COMMISSIONER (G)
PESHAWAR

B 5
15/12
SHOW CAUSE NOTICE (10)

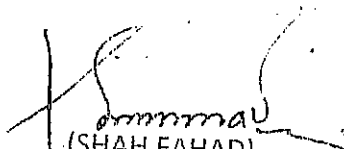
I, SHAH FAHAD, Deputy Commissioner Peshawar, as competent authority, under the Khyber Pakhtunkhwa Govt. Servants Efficiency and Discipline Rules 2011, do hereby Charge you, Mr. Raj Wali Patwari (under suspension) (the then Patwari Halqa Regi) as follows:

1. (i) That consequent upon the completion of inquiry conducted against you by the inquiry officer/Assistant Commissioner Hassan Khel Peshawar for which you were given opportunity of hearing.
- (ii) on going through the findings and recommendations of the inquiry officer the material on record and other connected papers including your defence before the inquiry officer.

I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules:

- (d) Inefficient
- (e) Guilty of misconduct;
- (f) Guilty of corruption.

2. As a result thereof, I, as Competent authority, have tentatively decided to impose upon you the penalty of dismissal from service under rule 4(b)(iv) of the said rules.
3. 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.
4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
5. A copy of findings of the inquiry officer is enclosed.


(SHAH FAHAD)
DEPUTY COMMISSIONER
(Competent Authority)

13/6/23



THE DEPUTY COMMISSIONER, PESHAWAR

Tel: 091-9212301-02, Fax: 091-9212303, DC Peshawar.

Secy: _____
AC PID: _____
ACR/CA: _____
PMU/PA: _____
PS/Adm/CA: _____
Date: _____
7/2/23
5-7-23

No. 395/DC(P)/DK

Dated: 21-June-2023

ORDER:

WHEREAS, Mr. Rajwall Patwari Regl Lalma was proceeded under Khyber Pakhtunkhwa Govt. Servant (Efficiency & Discipline Rules 2011 and was placed under suspension vide order No.279/DC(P)/DK dated 17-05-2023 upon the inspection of Assistant Commissioner City Peshawar to the Patwar Khana Regl Lalma who submitted his report vide No.1217/AC City dated 17-05-2023 pointing out glaring irregularities, and Addl. Assistant Commissioner (University Town) Peshawar was appointed as enquiry officer.

AND WHEREAS, the AAC(University Town)/enquiry officer reported in her enquiry report vide No.1342/AAC(Town) dated 23-05-2023 that the accused official was found in irregularities and involved in corruption and corrupt practices, irresponsible and inefficient and liable to be proceeded under the Khyber Pakhtunkhwa Govt. Servant (E&D) Rules 2011 and recommended dismissal of the accused official.

AND WHEREAS, a detail/formal enquiry was ordered under Khyber Pakhtunkhwa Govt. Servant (E&D) Rules 2011 and Assistant Commissioner Hassan Khel was appointed as enquiry officer vide order No.318/DC(P)/DK dated 26-05-2023 and proper statement of allegations and charge sheet were served upon the accused official.

AND WHEREAS, AC Hassan Khel/enquiry officer submitted his enquiry report vide No.647/AC(HK) dated 08-06-2023, wherein it was stated that the accused official was found guilty of misappropriating a government property under his control and also guilty of keeping loose mutations pages and other irregularities and recommended for imposing major penalty under Rule 4(1)(b) of Khyber Pakhtunkhwa Govt. Servant (E&D) Rules 2011.

AND WHEREAS, the accused official was served upon a Show Cause Notice vide letter No.372/DC(P)/DK dated 15-06-2023, who did not submitted his reply within the stipulated period.

NOW THEREFORE, keeping in view the findings/recommendations of the inquiry officer, non-reply of Show Cause Notice, and other circumstances and in exercise of the powers conferred under Rule-04(1)(b)(iv) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, I, Shah Fahad, Deputy Commissioner Peshawar, as competent authority, hereby impose a major penalty of *Dismissal from service* upon Mr. Raj Wali Patwari with immediate effect.

Endst: No. and Date Even:

- (i) Commissioner Peshawar Division, Peshawar.
- (ii) Addl. Deputy Commissioner (G), Peshawar.
- (iii) Assistant Commissioner City Peshawar.
- (iv) Accounts Officer of DC office for necessary action.
- (v) Mr. Raj Wali, Ex-Patwari.

DEPUTY COMMISSIONER
PESHAWAR
21-6-23

DEPUTY COMMISSIONER
PESHAWAR
21-6-23

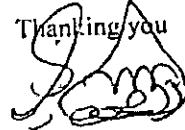
13

That the appellant is innocent and has not involved in any unlawful act, corruption and corrupted practices whatsoever, but the worthy Inquiry Officer mala fidely held liable and charge sheeted me.

~~The appellant also urge that a right of personal hearing may also be given as during the whole process of inquiry I was condemn unheard.~~

It is therefore, most humbly prayed that on acceptance of instant departmental appeal and review under Rule 17 of Khyber Pkhtunkhwa (Efficiency and Discipline) Rules 2011 the impugned order No.395/DC(p)/DK dated 21.06.2023 for Removal from Service may kindly be set aside and the appellant may be restored to his original possession.

Thanking you



RAJ WALI - 19/07/2023
Patwari Halqa
Regi Lalma, Peshawar.
Cell#0315-9838208



IN THE COURT OF
COMMISSIONER PESHAWAR DIVISION
PESHAWAR

APPEAL NO: /2023

DATE OF INSTITUTION: 19.07.2023

DATE OF DECISION: 02.11.2023

Raj Wali, ex-Patwari District Peshawar..... (Appellant)

VERSUS

Deputy Commissioner Peshawar.....(Respondent)

ORDER

This order will dispose off the instant departmental appeal filed by the above named appellant against the Deputy Commissioner Peshawar order bearing No. 396/DC (P)/DK dated 21.06.2023, whereby he was awarded major penalty of dismissal from service under section-4(1)(b)(iv) of Govt: of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011.

Facts of the case are that on 17.05.2023, on various complaints, the Assistant Commissioner City Peshawar made surprise visit of the Patwar halqa Regi Lalma and glaring irregularities were found including keeping a parallel register of mutation as well as parallel Girdawari register and recovery of official stamp of NT Tehkal as per details in the report submitted by the AC City on the date. The appellant was accordingly suspended. Addl: Assistant Commissioner Town was appointed as Inquiry Officer to conduct preliminary inquiry into the irregularities pointed out by the Assistant Commissioner City Peshawar. Assistant Commissioner Hassan Khel vide order dated 26.05.2023 was appointed to conduct formal inquiry under the E&D Rules. Assistant Commissioner Hassan Khel/Inquiry Officer conducted detailed inquiry and submitted enquiry report to the Deputy Commissioner. On 30.05.2023 the appellant alongwith other concerned were called in and charge sheet read over to them. A questionnaire was also framed and handed over to them for submitting their reply and statements were recorded.

As per inquiry report, statement of the appellant was recorded and he was cross examined. The recovered record from his Patwar Khana was also shown to him, He however, denied recovery of mutation register/pages and the recovery of official stamp of NT Tehkal. The same was duly testified by the Girdwar, Mukammil Shah and NT, Naveed Ahmed. The appellant had produced mutations for attestation including mutation no. 9974 (unlawful mutation transferring land from PDA to an individual) to the Tehsildar City, who was

unauthorized to attest mutations of Patwar Halqa Regi Lalma, Moreover, the appellant should have dismissed the mutation no. 9974 being an illegal entry, but he did not do so and ultimately involved in an illegal action and in pursuance of rule-4(d) of KP Government Servant Conduct Rules 1987" found guilty of misappropriating a government property under his control. It is crystal clear that a Patwari is the custodian of revenue record of his Patwar halqa and is responsible for its safe custody and good condition as required under Rule-3.6 of the LRM. The appellant was found guilty of keeping loose pages of the mutations register which have been used for replacing the original mutations in the register. He was also held responsible for not maintaining /updating the Fard issuance/fee register. As pointed out the pert-e-sarkar of some of the mutations do not bear signature of the RO which shows inefficiency and negligence on the part of the appellant. The Inquiry Officer thus recommended the appellant for proceeding against him under Rule 4(b) of KP Government Servants (E&D) Rules-2011. On the recommendations of the Inquiry Officer, the competent authority awarded major penalty of "removal from service" upon the appellant under Rule-4(1)(B)(IV) of Khyber Pakhtunkhwa Government Servants (E&D) Rules-2011.

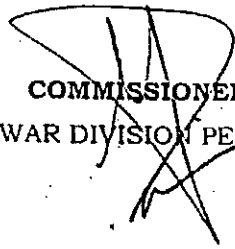
The appellant in his departmental appeal has flatly denied the allegations and stated that the visit by the AC City was unauthorized and the complaints were anonymous and that anonymous complaints can not be entertained. . That he was kept unaware of the departmental proceedings and that the whole procedure was unlawful. That no a single complaint has been made against him. That at the time of inspection, the appellant was not present in Patwar Khana and was on official duty in PDA. That no extra mutation register has been found and no misconduct has been committed by the appellant. That the appellant is innocent and not involved in any unlawful act, corruption or any sort of corrupt practices. Thus he prayed for setting aside the impugned Order dated 21.06,2023 and re-instatement in service.

Appellant present in person and heard. Para-wise comments received from the Deputy Commissioner Peshawar also perused. Perusal of the record & comments reveals that the appellant is found involved in committing glare irregularities as reported/pointed out by

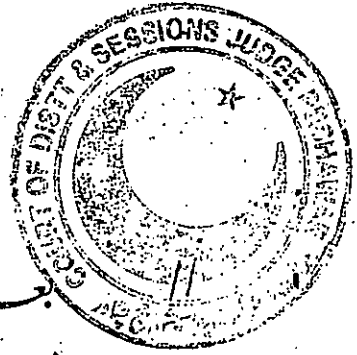
16

the Assistant Commissioner City during his inspection on 17.05.2023 and proved in the inquiry report conducted by the Assistant Commissioner Hassan Khel. During personal hearing before this appellat court, the arguments advanced by the appellat were not convincing.

Hence keeping in view the above facts, the appeal in hand stands dismissed and the impugned order bearing No. 396/DC (P)/DK dated 21.06.2023 of the Deputy Commissioner Peshawar is upheld. File be consigned to GRR after necessary compilation.


COMMISSIONER
PESHAWAR DIVISION PESHAWAR

ANNOUNCED.
02.09.2023



(1)

جسٹس جناب سینیئر سول جج صاحب پشاور
 پشاور کے محکمہ عدالت میں 11/04/2021ء کو منظور شدہ اور پشاور میں مقیم رہنے والے پشاور کے
 گورنمنٹ لائبریری (پشاور) سماج ڈیپارٹمنٹ (پشاور) (پشاور) (پشاور) (پشاور) (پشاور)
 2021/11/01 (پشاور) (پشاور) (پشاور) (پشاور) (پشاور) (پشاور) (پشاور) (پشاور)
 (پشاور) (پشاور) (پشاور) (پشاور) (پشاور) (پشاور) (پشاور) (پشاور)

SCJ, Pesh
 10

2. ڈیٹان حیدر خان پیران مختیار احمد خان۔

17 APR 2021

3. شیر باز خان ولد نیاز احمد خان ساکنان بھانہ ماری، تحصیل و ضلع پشاور۔

(مدعیان)

Institution Branch (Civil),
 New Judicial Complex,
 Peshawar

نام

1. اعظم خان
2. ذکریا خان پیران
3. سما گل مینہ
4. سما وجہ مینہ
5. سما بخت مینہ و خزان مختیار احمد خان
6. سما راشدہ (بیوہ)
7. سما گلانی
8. سما شیرین
9. سما شاندارہ و خزان نیاز احمد خان
10. پشاور ڈیولپمنٹ اتھارٹی، بذریعہ (ڈی جی، پی ڈی اے) پشاور

پشاور ڈیولپمنٹ اتھارٹی
 07-10-2020
 17 APR 2021
 حذف شدہ
 07-10-20

(مدعا علیہم)

دعوائی میراد صدور ڈگری استقرار حق بدیں طور کہ مدعیان جائیداد کھاتہ نمبر 353/495

خسرہ نمبر 205/2/2 واقع رقمہ موضع ریگی لہ پشاور میں تاجد حصص خود مالکان وقابستان

و متصرفان ہیں جو کہ مورثت مدعیان یا مدعیان نے جائیداد متدعویہ بحق مدعا علیہم منتقل نہ کی

ہے۔ مدعا علیہم 8 تا 1 کو کوئی حق نہ ہے کہ مدعا علیہ نمبر 9 سے ساز باز کر کے قبضہ و تصرف

ATTESTED

18 APR 2021

(Examiner)

District Court Peshawar



بعد الت محترمه خلكه سول جج-XX صاحبہ، پشاور

قطعوات	فیلہ	اصل رجوعہ	رجوعہ	نمبر
62	01/11/2022	17.03.2021	21.06.2021	253/1

بیت (الف) بیت (ب)

نمبر شمار	صفحات	قطعوات	لوہیت کاغذات
			بیت (الف)
	01	01	انڈیکس
	02	09	اپڈیٹڈ ریسولوشن ہائٹ
	11	04	پروسیجر رولز
	15	03	نیوٹس رولز
	18	01	پروسیجر رولز اور رولز
	19	02	بیانات
	21	09	EXPA, EXPB, EXPC, EXPD, EXPE
	30	09	درخواستوں اور جواب درخواست ہائٹ
	39	05	وقالتی ناموں ہائٹ
	44	18	دشمنانہ بیان و تقویوں ہائٹ
	62	01	سمن
			بیت (ب)
ATTESTED			
		18 Oct 2022	
		(Examiner)	
District Court Peshawar			

کل قطعوات 62 داخل دفتر شد

CERTIFICATE

Certificate that I have classified the having titled case in part A and B having separate index page in accordance with the rule & orders of Hon'ble Peshawar high court, Peshawar

سول جج-XX، پشاور

[Signature]

2. 13 یہ کہ جائیداد مندرجہ عنوان عرضی دعویٰ ملکیتی و مقبوضہ مورثان مدعیان تھی جو کہ بعد از مرگ مورثان مدعیان، مدعیان و مدعا علیہم نمبر: 5 تا 1 پر حسب حصص شرعی عود ہوئی۔ (نقل جمعندی سال 87-1986 لف دعویٰ ہذا ہے)۔

3. 13 یہ کہ اراضی متدعوئہ مدعیان کے قبضہ و تصرف میں مورثان مدعیان کے وقت سے چلی آ رہی ہے۔ نہ تو جائیداد متدعوئہ مدعا علیہ نمبر 9 نے حصول قانون اراضیات کے تحت حاصل کی ہے اور نہ ہی مدعا علیہم مذکورہ کی کسی بھی سکیم کے حدود میں آتی ہے۔ اس بات کا تعین موقع ملاحظہ سے کیا جاسکتا ہے۔

4. یہ کہ مدعا علیہم نمبر 8 تا 1 کو کوئی حق حاصل نہ ہے کہ جائیداد متدعوئہ کی بابت حقوق ملکیت، قبضہ مدعیان سے انکار کریں۔ جائیداد متدعوئہ پر زبردستی، خلاف قانون طور پر قبضہ کریں۔ مدعیان کو Without Due Process of Law بیدخل کریں یا کوئی بھی اقدام مدعیان کے حقوق ملکیت و قبضہ جائیداد متدعوئہ کے خلاف اٹھائیں۔ نیز اگر کوئی بھی اندران در کاغذات مال متعلق مدعیان کے خلاف پائے تو وہ غلط، خلاف قانون ہونے کے ساتھ ساتھ متدعوئہ مدعیان پر کالعدم، غیر موثر ہے اور بحق مدعیان قابل درنگی ہے۔

5. یہ کہ عرصہ چند یوم قبل مدعا علیہم نمبر 8 تا 1 بغیر کسی وجہ کے حقوق ملکیت مدعیان بابت جائیداد متدعوئہ سے انڈازئی ہو گئے اور جو مدعا علیہ نمبر 9 کے ساتھ مل کر مدعیان کو جائیداد متدعوئہ سے زبردستی بے دخل کرنے کے درپے ہیں۔ جو نفس مدعا علیہم غلط اور خلاف قانون ہے جس وجہ سے دعویٰ ہذا کی ضرورت لاحق ہوئی۔

6. یہ کہ ہر چند مدعا علیہم کو کہا اور کہا دیا گیا کہ اپنے غیر قانونی فعل سے باز رہیں مگر وہ نال منول کرتے ہوئے عرصہ چند یوم قبل سے جائیداد متدعوئہ مدعیان سے انکاری ہوئے۔

ATTESTED

18 OCT 2023
(Examiner)
District Court Peshawar

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یہ کہ بنائے دعویٰ عرصہ چند یوم قبل از انکار مدعا علیم اندر حدود اختیار سماعت فاضل عدالت ہذا بحق مدعیان پیدا شدہ ہے۔ مالیت دعویٰ بغرض کورٹ فیس و اختیار سماعت درست طور پر عرضی دعویٰ میں درج ہے۔

7/14

لہذا مدعا کی جاتی ہے کہ ڈگری مسترد یہ حسب تفریح عنوان دعویٰ بحق مدعیان برخلاف مدعا علیم معہ خرچہ صادر فرمائی جائے۔ دیگر وارسی جو قرین انصاف ہو مرحمت فرمائی جائے۔

0-3
18/3/2021

المرقوم: 15-03-2021

سائل (حسن خان ولد میراجان)

بوکالت: محمد کامران خان

ایسٹ
کلر ہا
ایڈووکیٹس، ہائی کورٹ پشاور
17/03/21

تصدیق:

تصدیق کی جاتی ہے کہ جملہ مراتب عرضی دعویٰ میرے علم و یقین سے درست و صحیح ہے۔

العدلیہ

مدعیان بذریعہ مدعی نمبر 3

نوٹ:

قبل ازیں اس قسم کا دعویٰ دائر نہ کیا گیا اور نہ مجاز عدالت سے فیصلہ شدہ ہے۔

پہلے فریقین عنوان دعویٰ میں درست درج ہے۔

مدعی نمبر 3 بذریعہ منجانب دیگر مدعیان

ATTESTED

18 OCT 2021

(Examiner)
District Court Peshawar

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BEFORE THE COURT OF CIVIL JUDGE, PESHAWAR

Jehandad Khan and others....Vs..... PDA and others

APPLICATION UNDER ORDER-1
RULE-10(2) CPC READ WITH
SECTION 151 CPC FOR THE
DELETION OF NAME OF
DEFENDANT NO.10 I.E. DIRECTOR
GENERAL PDA FROM THE PANEL
OF DEFENDANTS

[Handwritten mark]

20/06/21

Respectfully Sheweth:

1. That the above civil suit is pending in this Honourable Court which is fixed for today i.e. 21/06/2021.
2. That after perusing the plaint, it reveals that no relief whatsoever has been sought from defendant No.10.
3. That in view of the said facts, the defendant No.10 is not now necessary party in the instant suit.
4. That this Hon'ble Court Under Order 1 Rule 10(2) read with Section 151 CPC has got the ample power to delete the name of defendant No.10 from array of defendants.

It is, therefore, most humbly prayed that the name of the defendant No.10 may kindly be deleted from the panel of defendants in the captioned civil suit.

Through Applicant/Defendant No.10 *[Signature]*

Muhammad Furqan Yousafzai
Advocate, High Court,
Peshawar

Date: 21/06/2021

ATTESTED

[Signature]
(Examiner)
District Court Peshawar

*No objection
an application subject
to correction of number of
defend No 10 as prayed
through separate application*

[Signature]
21/06/21

23

BEFORE THE COURT OF MISS KHKULA,
CIVIL JUDGE-XX, PESHAWAR.

9

SUIT NO. 253/1 OF 2021

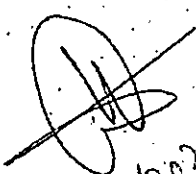
JAHAN DAD VS. AZAM KHAN

ORDER
01/11/2022

Plaintiff No. 3 in person and on behalf of the rest of the plaintiffs as special attorney and defendant No. 2 in person and on behalf of rest of the defendants as special attorney along with counsel present.

Submitted an application for early hearing to record joint statement regarding compromise effected between parties to the suit. Case file requisitioned. Change be brought in the Court's diary and cause list.

Counsel for plaintiff sated at the bar that plaintiff No. 1 has died and submitted list of legal heirs of plaintiff No.1. Placed on file. Moharrir is directed to enter the names of legal heirs of plaintiff No. 1 in the panel of plaintiffs with red ink pen. Power of attorney on behalf of plaintiffs and another power of attorney on behalf of defendants submitted. Placed on file. Compromise deed submitted, the same placed on file. Furthermore, a joint statement is recorded by Sherbaz S/O Niyaz Ahmad (plaintiff No. 3 himself and attorney for rest of plaintiffs) and Zikriya Khan S/O Bakhtiyar Ahmad Khan (defendant


1/11/2022
KHKULA
Civil Judge-XX
Peshawar

ATTESTED

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No. 2 himself and attorney for rest of the defendants) wherein they exhibited special power of attorney on behalf of plaintiffs is exhibited as Ex-PA, special power of attorney of attorney on behalf of defendants as Ex-PB, compromise deed as Ex-PC, copy of CNIC of plaintiff No. 3 (special attorney on behalf of rest of the plaintiffs) as Ex-PD and copy of CNIC of defendant No.2 (special attorney on behalf of the rest of the defendants) as Ex-PE. They jointly recorded statement mentioning that compromise deed has been effected between parties to the suit for the reasons mentioned therein and requested for the disposal of instant suit accordingly.

In the light of the above, since the parties have settled the dispute with each other in the shape of Ex-PC, therefore, the court considers that instant suit needs not to be proceeded further, hence, disposed of as per Ex-PC and in the light of joint statement mentioned above.

No order as to costs.

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

Announced
01/11/2022



Khkula
Civil Judge-XX
Peshawar

1/11/2022
KHKULA
Civil Judge-XX
Peshawar

No.	579/19
Dated of Application	18/11/2022
Name of Applicant	41
Name of Opponent	P-15
Signature of Applicant	
Dated of Filing	18/11/2022
Dated of Delivery	18/11/2022

ATTESTED

(Examiner)
District Court Peshawar

تیت 50 روپے	16234	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈویکیٹ: محمد عدیل بدست	بار کونسل ایسوسی ایشن نمبر: PC-109467	PESHAWAR BAR ASSOCIATION
رابطہ نمبر: 0334-9166514		
		

بعدالت جناب: سردار سردار سونل سنگھ

مخانب: ایڈووکیٹ	دعویٰ: اذیت
راجہ ولی خان بنام حکومت سے طے	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام پشاور کیلئے محمد عدیل بدست، حکمران گل ایڈووکیٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف 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 اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار 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 بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے 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 لکھ دیا تاکہ سند رہے

المرقوم: 16/10/2023

المقام: واہ شد العبد

کے لیے منظور ہے۔

Amman

Accepting

Accepting

راجہ ولی خان ولد اصدار خان سنگھ کنگڑے سردار سونل سنگھ
17301-7811701-1
0315-9838208
بدست: Rajeeb Khan