

**IN THE COURT OF SHERAZ QAMAR,  
CIVIL JUDGE-II, TAKHT BHAI, DISTRICT MARDAN**

**Civil Suit No..... 217/1**  
**Date of original institution.....30.11.2024**  
**Date of decision.....01.02.2025**

Hashim Khan s/o Momin Khan r/o Salo Banda, Lundkhwar,  
Tehsil Takht Bhai, District Mardan ..... **(Plaintiff)**

**VERSUS**

Iqrar Ahmad s/o Taj Muhammad r/o Kawdary, Hathian,  
Tehsil Takht Bhai, District Mardan ----- **(Defendant)**

**SUIT FOR SPECIFIC PERFORMANCE AND RECOVERY**

**JUDGMENT**  
**01.02.2025**

1. The plaintiff has instituted instant suit for specific performance of deed dated 10.01.2024 or in alternate recovery of Rs. 60,00,000/-.
2. Brief facts of the case are that the plaintiff instituted instant suit for specific performance of agreement deed dated 10.01.2024 in respect of property measuring 03 Kanals bearing Khata No.382/385 and Khasra Nos. 252, 254, 256, 255, 253, 257 situated at Moza Lundkhwar, Tehsil Takht Bhai, District Mardan by contending that the defendant has sold out the property for consideration of Rs. 60,00,000/- and total sale consideration was paid to defendant, now the defendant is bound to attest registry/mutation in favour of plaintiff. The plaintiff also sought recovery of Rs. 60,00,000/- as an alternate relief.

As per agreement dated 10.01.2024 the defendant is bound to attest mutation/registry in the name of plaintiff, hence the instant suit.

3. Defendant was summoned through process of the court, who appeared before the court and submitted cognovit by admitting claim of the plaintiff. In this connection his separate statement was also recorded before court wherein he admitted claim of the plaintiff and stated that he has got no objection if instant suit is decreed in favour of the plaintiff. He exhibited copy of his CNIC as Ex.PA, Iqrar Nama/cognovit as Ex. PB and computerized Jamabandi as Ex. PC.
4. Arguments of learned counsel for the plaintiff heard and record perused.
5. Record shows that defendant has admitted claim of the plaintiff by submitting cognovit and in this respect statement of the defendant was also recorded before court on 31.01.2025 wherein he has admitted claim of the plaintiff and admitted that he has got no objection if the suit is decreed against him in favour of plaintiff. Moreover, as per computerized Jamabandi for the year 2024-2025 defendant is recorded owner in suit Khata No. 382/385.
6. Keeping in view the cognovit submitted by the defendant coupled with statement of the defendant recorded before

court, a consent decree is hereby passed in favour of the plaintiff against the defendant. Registry/mutation on the strength of this consent decree shall be subject to payment of all government taxes. Moreover, this consent decree shall not affect the rights of any other person who is not party to the suit.

7. Before parting with this order it is worth noting that the requisite court fee for the instant suit is Rs. 15,000/-, but the plaintiff has only submitted court fee stamps of Rs. 2,000/-. Therefore, the plaintiff is directed to submit the remaining court fee to the tune of Rs. 13,000/- within 30 days of passing of the decree failing which his suit shall be treated as dismissed.
8. No order as to costs.
9. File be consigned to record room after its completion and compilation.

**Announced**  
01.02.2025

**(Sheraz Qamar)**  
Civil Judge-II, Takht Bhai

**CERTIFICATE**

Certified that this judgment consists of **three (03)** pages and each page has been signed by me after the necessary correction made therein.

**(Sheraz Qamar)**  
Civil Judge-II, Takht Bhai

**Order-----**  
01.02.2025

1. Plaintiff present. Defendant has already submitted cognovit.
2. Arguments of learned counsel for the plaintiff heard. Record perused.
3. Vide my detailed Judgment of today separately placed on file consisting upon **three (03)** pages, a consent decree is hereby passed in favour of the plaintiff against the defendant. Registry/ mutation on the strength of this consent decree shall be subject to payment of all government taxes. Moreso, this consent decree shall not affect the rights of any other person who is not party to the suit.
4. Before parting with this order it is worth noting that the requisite court fee for the instant suit is Rs. 15,000/-, but the plaintiff has only submitted court fee stamps of Rs. 2,000/-. Therefore, the plaintiff is directed to submit the remaining court fee to the tune of Rs. 13,000/- within 30 days of passing of the decree failing which his suit shall be treated as dismissed. No order as to costs.
5. File be consigned to record room after its completion and compilation.

**Announced**  
01.02.2025

**(Sheraz Qamar)**  
Civil Judge-II, Takht Bhai