

(20)

IN THE COURT OF ASGHAR SHAH
DISTRICT JUDGE, ORAKZAI (AT BABER MELA)

CIVIL APPEAL NO. : 5/13 OF 2020
DATE OF INSTITUTION : 29.10.2020
DATE OF DECISION : 25.11.2020

SYED BAQIR HUSSAIN S/O SYED AJMEEN HUSSAIN, SECTION
STORI KHEL, SUB-SECTION BABA NAWASI, TEHSIL LOWER,
DISTRICT ORAKZAI

.....(APPELLANT)

-VERSUS-

CHAIRMAN NADRA AND TWO OTHERS ISLAMABAD


..... (RESPONDENTS)

Present: Abid Ali Advocates for appellant.
: Syed Farhat Abbas, representative of respondents

JUDGEMENT
25.11.2020

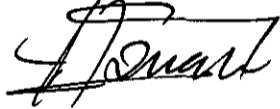
In the suit before the trial court, appellant/plaintiff claimed the correction of his date of birth from 14.05.1982 to 14.05.1988 in the record of the respondent. The learned trial court after full trial dismissed the suit vide impugned judgement and decree dated 30.09.2020, hence the appeal in hand.

2. Arguments heard and record perused.
3. From the arguments and record available on file, it reveals that at the very outset when the judgement of the trial court is gone through, it provides that the findings of the trial court on issue no. 2, 3, 4 and 5 are not consistent with the issues framed. The issue no. 2 was as to whether the suit of the plaintiff is within time? The trial court instead of giving findings on the


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question of limitation has concluded the issue of estoppel though there was no issue of estoppel framed. Moreover, issue no. 3 was the core issue as to which of the date of birth of the plaintiff is correct but the trial court rendered findings of limitation on the said issue. Same is the case with rest of the issues. Hence, the very judgment of the trial court is defective. Therefore, without touching the other merits of the case, the appeal in hand is accepted, impugned judgment and decree of the trial court dated 30.09.2020 alongwith findings on the suit issues is set aside. The case is remanded back to the trial court where the parties should appear on 28.11.2020 and the trial court is directed to re-write the judgment by rendering findings on each issue as per the issues framed. No order as to cost. File of the trial court be returned while file of this court be consigned to Session Record Room after its completion and compilation.


Announced
25.11.2020


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CERTIFICATE

Certified that this judgment consists of two (02) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 25.11.2020


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