

Order...03

07.07.2023

Present:


Petitioner through counsel.

Respondents through their representative.

Mr. Irfan Hussain Submitted authority letter in favour of respondents which is placed on file.

Representative of the respondent is directed to submit reply of the instant petition on next date.

File to come up for submission of reply of the instant petition on 14.07.2023.


Sami Ullah
Civil Judge-I,
Orakzai (at Baber Mela)

Order...04

14.07.2023

Present:

Petitioner through counsel.

Respondents through their representative.

1. This order is intended to dispose of instant petition for review of judgement dated: 25.03.2023 passed by this court.
2. Petitioners filed instant petition by contending, therein, that the petitioners had filed a suit for correction of their date of birth which was decreed in their favour by judgement dated 25.03.2023. Through instant petition petitioners seek review of judgement of this court to the extent that date of birth of one of the petitioner's namely Zarqa Bibi was mentioned incorrectly in the said judgment due to clerical mistake.

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3. Respondents were summoned, who appeared before the court through representative and submitted reply of the instant petition.
4. Arguments heard and record gone through.
5. Perusal of the record reveals that the plaintiff/respondent filed a suit for declaration, permanent and mandatory injunction to the extent of correction of date of birth of plaintiff No.02 namely Zarqa Bibi, in which it was contended that her correct date of birth is 03.01.2001 instead of 01.01.2006. It is pertinent to mention here that according to the plaint it was contended by the petitioner/plaintiff No.02 that the respondents have wrongly incorporated her date of birth as 01.01.2006 in their record and the same was mentioned in the judgement/decreed. Furthermore, counsel for petitioners admitted mistake in pleadings however, has pointed out that the wrong date of birth of the said petitioner in Form-B issued by Nadra, is 01.01.2009. It is pertinent to mentioned here that according to the judgment/decree, the date of birth which was sought to be corrected has already been decreed in favour of the petitioner.
6. Consequently, upon what has been discussed above, the judgment dated 25.03.2023 is hereby reviewed to the extent of correction of a clerical mistake which is wrong date of birth of petitioner No.02

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Sami Ullah
Civil Judge/JM-I
Orakzai at (Babar Mela)


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namely Zarqa Bibi. The contents of the judgement/decree sheet dated 25.03.2023 be correct and read as follow;

"Respondents are directed to correct date of birth of petitioner/plaintiff No.02 namely Zarqa Bibi as 03.01.2001 instead of 01.01.2009.

7. In view of above discussion, petition in hand is accepted and the judgement dated: 25.03.2023 is reviewed up to the extent of a clerical mistake in pleadings and consequently in judgment/decree sheet. No order as to cost.
8. Decreed sheet withdrawn accordingly with correction of clerical mistake as discussed above.
9. This file be consigned to record room after necessary completion and compilation, while copy of the same be placed on original file.

Announced
14.07.2023


Sami Ullah
Civil Judge-I,
Orakzai at (Baber Mela)