

**IN THE COURT OF ZAHIR KHAN,**  
Civil Judge-I, Kalaya Orakzai.

**Suit No.**.....39/1 of 2023  
**Date of Institution**..... 09.08.2023  
**Date of decision**.....31.08.2023  
= = = = =

Danish Ali S/O Akhtar Nabi R/O Qoum Bar Muhammad Khel, Tappa Merazi Khel, PO Kurez, Tehsil Lower, District Orakzai, through next friend Liaqat Ali (uncle )..... **(Plaintiff)**

**Versus**

1. Assistant Director, Local Government, District Orakzai.
2. Principal, Government High School Suleman Khel, District Orakzai.

..... **(Defendants)**

**SUIT FOR DECLARATION & PERMANENT INJUNCTION.**

**Order**  
**31.08.2023**

Plaintiff Danish Ali along with counsel present. Liaqat Ali, uncle of plaintiff present. Defendant No. 1 has already been placed and proceeded ex-parte while defendant No. 2, who appeared through representative on 16.08.2023, has stated that he has got no objection if suit of plaintiff is decreed in favor of plaintiff. Amended plaint submitted. List of witnesses submitted. Ex-parte evidence of plaintiff recorded as PW-01 and PW-02 and closed. Ex-parte



**ZAHIR KHAN**  
**Civil Judge/JM**  
**Kalaya Orakzai**

Arguments also heard and record perused.

Brief facts in the backdrop are that plaintiff has filed the instant suit against the defendants for declaration and permanent injunction to the effect that true and correct date of birth of plaintiff is **12.12.2009** which is correctly

recorded in the record of defendant No. 2, however, defendant No. 1 has incorrectly entered the same as **12.12.2007** which is wrong, illegal and liable to be rectified. That defendant No. 1 was asked time and again to rectify date of birth of plaintiff but in vain hence, the present suit.

With due process of law and procedure, the defendants were summoned, out of whom defendant No.2 appeared through representative and produced admission and withdrawal register. He stated that date of birth of plaintiff is correctly recorded as 12.12.2009 in the record of defendant No. 2 and that he has got no objection if suit of plaintiff is decreed in favour of plaintiff. His statement was separately recorded. Authority letter was exhibited as Ex.PA, extract of admission and withdrawal register as Ex.PB and copy of his CNIC as Ex.PC. Defendant No. 2 failed to appear despite service therefore, he was placed and proceeded against ex-parte.

After submission of list of witnesses, plaintiff was allowed to produce his ex-parte evidence. Ex-parte evidence of plaintiff was recorded as PW-01 and PW-02 and thereafter, plaintiff closed his ex-parte evidence.

Liaqat Ali (uncle of plaintiff ) appeared and deposed as PW-01. He

  
**ZAHIR KHAN**  
Civil Judge/JM

**Kalaya Orakza** was exhibited as Ex.PW-1/1. Copy of birth registration certificate was exhibited as Ex.PW-1/2. Copy of his CNIC is Ex.PW-1/3. He lastly requested for decree of suit against defendant No. 1 in favour of plaintiff.

Plaintiff himself appeared and deposed as PW-02. He also reiterated the averments of plaintiff. He produced character certificate, copy of which is Ex-PW-

2/1 wherein, date of birth of plaintiff is recorded as 12.12.2009. Copy of his father's CNIC was exhibited as Ex-PW 2/2.

Claim and contention of plaintiff is that his true and correct date of birth is **12.12.2009**, however, defendant No. 1 has incorrectly entered the same as **12.12.2007** which is wrong, illegal and in effective upon the rights of plaintiff and liable to be rectified. Plaintiff has placed reliance on School Certificates/record.

Plaintiff produced cogent, convincing and reliable documentary evidence in support of his claim in shape of Ex.PB, Ex.PW-1/1 and Ex.PW-2/1. Oral evidence is also supportive to the claim of plaintiff. School Certificates carries weight as presumption of correctness is attached to it. Plaintiff is a young person, therefore, could not be presumed to have instituted the instant suit for an ulterior motive.

As there is nothing in rebuttal due to ex-parte while plaintiff produced reliable evidence, therefore, suit of plaintiff is hereby ex-parte decreed against defendant No.1 as prayed for. No order as to cost. This decree shall not affect the rights of others, interested if any.

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

**Announced**  
31.08.2023.



**Zahir Khan**  
Civil Judge-I Kalaya Orakzai