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Order-07  
05/03/2021

Petitioner present through counsel.

Respondent already proceeded ex-parte.

My this order is aimed at disposal of petition for setting aside ex-parte decree dated 06-02-2020 filed by the chairman BISE Kohat (petitioner).

Petitioner through instant petition is seeking setting aside ex-parte decree dated 06-02-2020 by contending that petitioner was not properly served and that valuable rights of petitioner are involved in the case hence, ex-parte decree be set aside and opportunity be provided to petitioner to defend his rights.

Respondent was summoned, who appeared through attorney on 03-02-2021 but thereafter, no one appeared on behalf of respondent, hence, she was placed ex-parte.

Ex-parte arguments of the learned counsel for the petitioner heard and record gone.

Perusal of the record reveals that plaintiff/respondent filed a suit for declaration, permanent and mandatory injunction to the effect that her correct date of birth is 15-05-1998, which has been correctly recorded in her educational record but defendant No. 2 to 4 have wrongly recorded the same



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as 10-11-1998 in her CNIC while the correct name of father of plaintiff is Harman Ali, which has been correctly recorded in her CNIC but the same has been wrongly recorded as Arman Ali in educational documents of plaintiff issued by defendant No.1, hence, record is liable to be corrected.

Defendants were summoned, on which defendant No. 2 to 4 contested the suit by filing their written statement while defendant No. 1 was proceeded ex-parte. After recording evidence of parties and hearing the arguments the suit was decreed on 06-02-2020.

Petitioner/defendant No.1 has challenged the same decree by filing instant petition for setting aside ex-parte decree against him.

From the bare reading of plaint, it is evident that major relief regarding correction of date of birth of plaintiff has been sought against defendants No.2 to 4 as plaintiff has categorically averred in the plaint that her date of birth has been correctly recorded in her educational record but defendant No.2 to 4 have wrongly recorded her date of birth in her CNIC, while relief sought by the plaintiff against defendant No.1 is such that correct name of father of plaintiff is Harman Ali but the same has been wrongly recorded as Arman Ali in educational documents of plaintiff issued by

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defendant No.1. The nature of relief sought by the plaintiff against the defendant No. 1 clearly shows that plaintiff has not sought complete change of her father name in her educational record rather she has sought incorporation of alphabet "H" which is missing in spelling of her father name recorded in her educational record.

The relief sought against defendant No.1/petitioner is meagre in nature and the missing alphabet "H" in spelling of father name of plaintiff in her educational record appears to be a clerical mistake, as in CNIC of plaintiff and NADRA record it has been recorded as Harman Ali. Defendant No.1 is bound to correct such clerical mistake, even without intervention of court.

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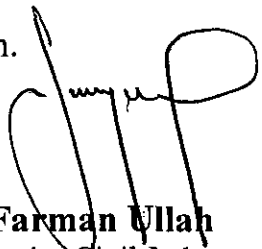
Record clearly suggest that no substantial rights of defendant No.1 are involved in the case and decree dated: 06.02.2020 passed in absence of defendant No.1/petitioner has not affected his rights. So no useful purpose would be served to set aside decree dated: 06.02.2020 rather it would cause inconvenience to both the parties as well as waste the precious time of the court.

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In view of above discussion, petition in hand is held without any force and merit, hence, dismissed. No order as to cost.

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

Order annouced  
05.3.2021



**Farman Ullah**  
Senior Civil Judge,  
Orakzai at Baber Mela.

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Senior Civil Judge  
Orakzai at Baber Mela