

Order-03
24/04/2021

Parties absent.

Due to 3rd wave of Covid-19 and pursuant to notification of PHC Peshawar No: 6172-272/Admn dated 22-04-2021, the next date is fixed for 25.05.2021.


Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.


Order-04
25/05/2021

Plaintiff present through counsel.

Defendant present through representative.

Arguments on application for withdrawal of instant suit heard and record gone through.

Learned counsel for the plaintiff argued that as per school record the correct date of birth of plaintiff is 16-07-2000 and plaintiff has filed instant suit on the strength of his school record. However, in the school leaving certificate the date of birth of plaintiff was inadvertently mentioned as 01-01-2000 and on the basis of which the same date of birth was mentioned in the plaint but during the course of recording evidence, it was found from the register of admission and withdrawal that the correct date of birth of plaintiff is 16-07-2000



25.5.21

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela

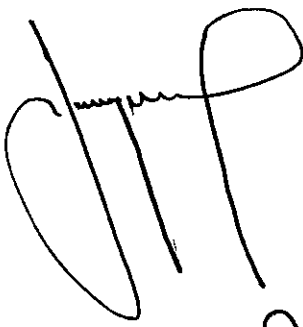
3

instead of 01-01-2000. He contended that due to this defect in the suit of plaintiff, there is likelihood of failure of suit of plaintiff, hence plaintiff be allowed to withdraw instant suit with the permission to file fresh suit.

On other hand representative for defendants argued that suit in hand has been filed in year 2019 and during such period, plaintiff also recorded the statement of some of witnesses and wasted the time of court as well as defendants. He requested for the dismissal of application.

Learned counsel for plaintiff and representative for defendants heard and record gone through.

From the perusal of record, it is evident that plaintiff has filed instant suit for the correction of his date of birth on the basis of his school record and as per plaint the correct date of birth of plaintiff is 01-01-2000 but counsel for the plaintiff produced the copy of register for admission and withdrawal before the court and according to which the date of birth of plaintiff is 16-07-2000 instead of 01-01-2000. Being such position, the request of plaintiff seems genuine, hence suit of plaintiff is dismissed


25.5.21
FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mel-

as withdrawn with the permission to file fresh suit
subject to the cost of Rs. 1500/-.

(6)

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

Announced
25.05.2021

Farman Ullah
Senior Civil Judge
Orakzai at Baber Mela.

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela