

IN THE COURT OF SHAUKAT AHMAD KHAN
DISTRICT JUDGE, ORAKZAI (AT BABER MELA)

CIVIL APPEAL NO. : 21/13 OF 2021
DATE OF INSTITUTION : 14.04.2021
DATE OF DECISION : 02.06.2021

CHAIRMAN, NADRA ISLAMABAD AND TWO OTHERS

.....(APPELLANTS)

-VERSUS-

REHMAT ULLAH S/O MIR KHAN, R/O CASTE MAMOZAI,
TAPA ABDUL RAHIM KHEL, VILLAGE JABA PO GHILJO
KARPAYI KALAY, TEHSIL UPPER, DISTRICT ORAKZAI

..... (RESPONDENT)


Present: Syed Farhat Abbas, representative of appellants

JUDGEMENT
02.06.2021

In a suit before the trial court, respondent/plaintiff claimed correction of his date of birth from 01.01.1986 to 10.12.1992 in the record of the appellants/defendants. The learned trial court after full trial decreed the suit vide impugned judgement and decree dated 15.03.2021, hence the appeal in hand.

(2). As per contents of plaint, respondent/plaintiff claims that the correct date of his birth is 10.12.1992 which has also been incorporated in the school record of the respondent/plaintiff while the appellants/defendants have incorrectly incorporated the same in their record as 01.01.1986. Appellants/defendants contested the suit by submission of

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written statement. The learned trial court incorporated the pleadings of the parties into the following issues.

1. *Whether plaintiff has got cause of action?*
2. *Whether the correct date of birth of the plaintiff is 10.12.1992 while defendants have wrongly mentioned the same as 01.01.1986 in their record?*
3. *Whether the plaintiff is entitled to the decree as prayed for?*
4. *Relief*

(3). Parties were given opportunity to produce pro and contra evidence in support of their respective contentions.


(4). Accordingly, respondent/plaintiff produced Wazir Janan and Ajmir Khan as PW-2 and PW-3 while he himself appeared in the witness bar as PW-1. On the other hand, appellants/defendants remained contented with the sole statement of their representative as DW-1. After having heard the arguments, the learned trial court decreed the suit. The appellant/defendants being aggrieved of the impugned judgement and decree, filed the instant appeal.

(5). Arguments heard. Record perused.

(6). Perusal of case file shows that the claim of the respondent /plaintiff is based upon the oral testimony of PW-2 and PW-3 who are his close relatives whose acquittance with the date of birth of the respondent/plaintiff cannot be doubted. The oral evidence of the respondent/plaintiff is supported by documentary evidence in the form of school record of the respondent/plaintiff which has got a presumption of truth.

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(7). In the light of above, it is held that the impugned judgement and decree of the learned trial court alongwith findings on the suit issues, are based upon proper appreciation of evidence available on file. Hence, the appeal in hand is dismissed being without merit. No order as to cost. File of the trial court be returned while file of this court be consigned to Record Room after its completion and compilation.

Announced
02.06.2021

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CERTIFICATE

Certified that this judgment consists of three (03) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 02.06.2021

(SHAUKAT AHMAD KHAN)
District Judge, Orakzai
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