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Present:
Plaintiff through counsel.
Defendant No.1 through legal Advisor.
Defendant No.2 to 4 through their representative.

Counsel for the plaintiff submitted reply of an application U/O 7 Rule 11, CPC which is placed on file.

Arguments on the aforesaid application heard.

This order is directed to dispose of an application submitted by defendants for rejection of plaint under Order-VII Rule 11 CPC. The plaintiff/respondent contested the application by filing reply.

Brief facts of the case are that plaintiff/respondent filed the instant suit for deceleration-cum perpetual mandatory injunction to the effect that correct date of birth of plaintiff is **05.04.2002**, whereas in the record of defendant No.1 and defendant No.2 to 4 the same is mentioned as 01.02.2002 and 01.03.1998 respectively, which is wrong, ineffective and liable to correction.

Detailed arguments on application already heard and record perused.

The detailed arguments and perusal of record transpires that plaintiff/respondent is claiming that his correct date of birth is **05.04.2002**. On the other hand, the applicants/defendants contended that plaintiff has got no cause of action and the suit of plaintiff is barred by Law. The defendants submitted certain documents in support of their stance taken in the instant application by which the

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plaintiff has previously changed his date of birth in Nadra record from which they now claim to be the correct date of birth of plaintiff.

Keeping in view the available record on file and the arguments made by the counsels of the parties in the instant suit, the facts emerged before this court which helped determine the fate of the instant application.

The plaintiff has previously changed his date of birth in Nadra record from 01.02.2002 to 01.03.1998 through a decree passed by the Learned Assistant Political Agent, Lower Orakzai. Now through the instant suit, the plaintiff has again sought the correction of his date of birth from 01.03.1998 to 05.04.2002. It is pertinent to mention here that while the plaintiff had filed a suit in the court of APA, Lower Orakzai, the same has submitted an affidavit wherein he contended that 01.02.2002 is his wrong date of birth, registered in his Nadra Record. The following facts came in the knowledge of this court through the documents submitted by representative of defendant No.2 to 4, which consists of decree sheet and verification of court decree issued by the court of APA and affidavit submitted by the plaintiff at that time.

In the light of what is discussed above, this court is of the view that the suit of plaintiff is barred by Law of estoppel, in respect of deceleration of certain facts which he had previously claimed to be

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wrong and regarding which he has already received a decree in his favour. Hence, the application in hand is **Accepted** and the suit is **Rejected** Under Order VII Rule XI with cost.

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

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