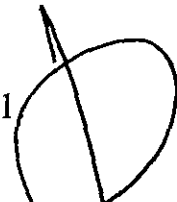


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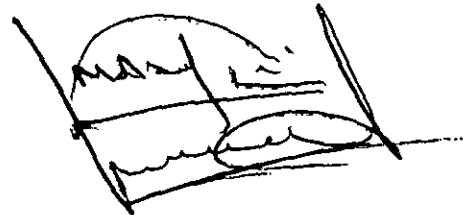
Order-04  
23/09/2021

Petitioner present through representative.  
Respondent present through attorney and counsel.  
Reply submitted.  
Arguments heard.  
File be put up for order on 30.09.2021

  
Farman Ullah  
Senior Civil Judge,  
Orakzai at Baber Mela

Note Reader  
30/09/2021

The presiding officer is on Casual leave.  
File be put up for previous proceedings on  
07.10.2021.

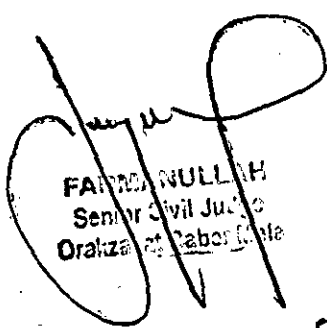


Order-05  
07/10/2021

Petitioners present through representative .  
Respondent present through son.

My this order is aimed at disposal of petition for the review of decree/ judgement dated 12.07.2021, filed by the petitioner.

Petitioners/Judgment Debtors filed instant petition by contending that decree was passed in favour of Respondent /Decree Holder and the date of birth of the plaintiff was changed from 1978 to 1965 while the date of birth of mother of plaintiff is 1960 and of the father is 1955. Such a difference between the age of daughter and her parents create complications in the record,

  
FARMAN ULLAH  
Senior Civil Judge  
Orakzai at Baber Mela

07.10.2021

(4)

hence it is requested that decree dated 12.07.2021 may kindly be reviewed.

Respondent/Decree Holder contested the petition by submitting her written reply, wherein, she objected the petition on various grounds.

Representative for the petitioner and counsel for the respondent heard and record gone through.

Perusal of record reveals that respondent/decree holder file a suit for declaration, permanent and mandatory injunction to the effect that her correct date of birth as 1965 while defendants have wrongly recorded her date of birth as 01.01.1978. It was further contended by the plaintiff/respondent that Zabit Khan is her son and whose date of birth is 10.03.1983, so the difference between the age of plaintiff and her son is 05 years, which is unnatural and against the facts. Plaintiff in support of her contention produced her oral evidence as PW-01 to PW-03 while in documentary evidence she produced the CNIC of her son namely Zabit Khan as Ex.PW-3/2, wherein, the date of birth of her son has been recorded as 10.03.1983. So, it was established that the gap between the plaintiff and her son is only 05 years which is unnatural and prima facie it establishes that date of birth of plaintiff was wrongly recorded as 01.01.1978 in her CNIC and NADRA record. Though defendants produced the family tree of the plaintiff as Ex.DW-1/3 and wherein, the date of birth of father of the plaintiff has been recorded as 1955 and her mother as 01.01.1960. Petitioners/judgment debtors are seeking review of decree/judgment dated: 12.07.2021 on the sole ground that if the date of birth of plaintiff is corrected as 1965, then it will create difference between the plaintiff and

FARMANULLAH  
Senior Civil Judge  
Orakzai at Baher Mata  
07.10.2021

(5)

her parents as 05 years and 10 years respectively. However, record shows that parents of plaintiff are dead while the son of plaintiff is alive. No doubt if the date of birth of plaintiff is changed to 1965, then the difference between the plaintiff and her father would be 10 years while her mother would be 05 years but if the date of birth of plaintiff is not corrected as 1965 then the difference between the plaintiff and her son namely Zabit Khan would be 05 years, which is also unnatural. It is also evident from the record that Zabit Khan is in service and his CNIC available on file as Ex.PW-3/2 reveals that the same CNIC is valid up to 01.06.2024 and thereafter, the same would expired, hence there is apprehension that his CNIC would be blocked due to unnatural gap of age with his mother.

Being such position, the inconvenience expected to cause to the plaintiff and her son would be greater if date of birth of plaintiff is not corrected while if it remains as it is, then there is no benefit to anyone. Moreover, the incorporation of date of birth of parents of plaintiff as 1955 and 1960 in the NADRA record is not a gospel truth rather presumption exist in view of available record that their date of birth might have wrongly been recorded in NADRA record.

In view of above discussion application in hand with out force and merit as there is no scope for review of judgment dated:12.07.2021, hence petition in hand is dismissed. No order as to cost.

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

**Announced**  
07.10.2021

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