

(27)

**IN THE COURT OF FARMAN ULLAH,**  
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 44/1 of 2021  
Date of Institution: 15/07/2021  
Date of Decision: 14/10/2021

**Ajmal Khan s/o Muhammad Ismail**

Resident of Qoam Ali Khel, Tapa Jesrat Khel, Tehsil Upper & District  
Orakzai..... (Plaintiff)

VERSUS

1. **Chairman, BISE, Peshawar.**

(Defendants)

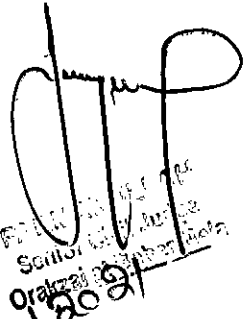
**SUIT FOR DECLARATION, PERMANENT & MANDATORY INJUNCTION**

**EX-PARTE JUDGEMENT:**

14.10.2021

Brief facts of the case in hand are that the plaintiff, **Ajmal Khan s/o Muhammad Ismail**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendant, referred hereinabove, seeking declaration, therein, that his correct date of birth is **01.01.1971** while defendant has wrongly mentioned the same in education record of plaintiff as **25.02.1973**, which is incorrect and liable to be corrected. That defendant was repeatedly asked to correct the date of birth of plaintiff but he refused. Hence, the present suit.

Defendant was summoned and was served but no one appeared on behalf of defendant, hence proceeded ex-parte on 02-08-2021.

  
Senior Civil Judge  
Orakzai

14/10/2021

Plaintiff produced his ex-parte evidence as PW-1 to PW-4.

Ex-parte arguments heard and record gone through.

Perusal of the record depicts that plaintiff through instant suit is seeking correction of his date of birth by contending that his correct date of birth is 01.01.1971 while defendant has wrongly recorded the same in his educational record as 25.02.1973. Plaintiff in support of his contention produced his attorney as PW-01, who repeated the contents of plaint is his statement while PW-02 and PW-03 stated in their respective statement that plaintiff is their close relative and whose correct date of birth is 01.01.1971.

PW-04 is statement of record keeper of NADRA, who produced the CNIC processing form of plaintiff as Ex.PW-4/1. The perusal of Ex.PW-4/1 shows that date of birth of plaintiff in his CNIC and other NADRA record has been mentioned as 1971. So, the oral evidence of plaintiff as PW-01 to PW-03 is also corroborated by the documentary evidence Ex.PW-4/1.

The ex-parte evidence produced by the plaintiff supports the claim of plaintiff and there is nothing in rebuttal. Hence, the suit of the plaintiff is ex-parte decreed in favour of plaintiff and against defendant as prayed for. No order as to costs.

  
FAFERRAMULLAH  
Senior Civil Judge  
Orakzai at Balher Mela  
14/10/2021

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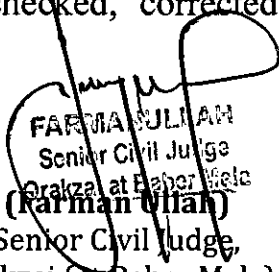
1. File be consigned to the record room after its completion and compilation.

**Announced**  
14/10/2021

  
(Farman Ullah)  
Senior Civil Judge,  
Orakzai (at Baber Mela).

**CERTIFICATE**

Certified that this judgment of mine consisting of 03 (three) pages (including this page), each has been checked, corrected where necessary and signed by me.

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