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**IN THE COURT OF BAKHT ZADA,**  
**SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA**

Civil Suit No. 48/1 of 2023.  
Date of Institution: 05.12.2023.  
Date of Decision: 09.01.2024.

*Ikhtisham Ul Haq S/O Mir Ahmad Jan, R/O Qaum Feroz Khel,  
Tappa Ghairat Khel, Village Mirbak Kalay, Tehsil Lower, District  
Orakzai.*

*(Plaintiff)*

**VERSUS**

*Chairman Education BISE, Kohat.*

*(Defendant)*

**SUIT FOR DECLARATION-CUM-PERPETUAL AND  
MANDATORY INJUNCTION**

**JUDGEMENT**

**09.01.2024**

1. Plaintiff Ikhtisham-ul-Haq s/o Mir Ahmad Khan has brought the instant suit for declaration and mandatory injunction against the defendant chairman BISE Kohat to the effect that his correct name according to his CNIC, Birth Certificate and Passport is Ikhtisham-ul-Haq and his correct date of birth is 01.06.2003 but the same have been wrongly entered in his record with the defendant as Ihtisham-ul-Haq and 01.06.2005 which needs rectification. That these wrong entries will make hurdles and complications for him. He alleged that the defendant was asked time and again for correction of his name and date of birth, but he refused to do so, hence, the present suit;

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2. Defendant was summoned, who appeared before the court through his representative/legal advisor and contested the suit by filing his authority letter and written statement wherein he raised several legal and factual objections.

3. Divergent pleadings of the parties were reduced into the following issues;

**Issues:**

1. *Whether the plaintiff has got cause of action?*
2. *Whether the suit of the plaintiff is within time?*
3. *Whether the correct name of the plaintiff is Ikhtisham-ul-Haq and his correct date of birth is 01.06.2003 whereas the same have been wrongly entered in his record with the defendant as Ihtisham-ul-Haq and 01.06.2005?*
4. *Whether plaintiff is entitled to the decree as prayed for?*
5. *Relief?*

4. Parties were given opportunity to produce evidence in support of their respective claims. The plaintiff produced and recorded the statements of following PWs;

PW-01, is the statement of Irshad Ahmad Khan s/o Mir Ahmad Khan. He is attorney and brother of the plaintiff. His power of attorney is Ex.PW-1/1. Copy of his CNIC is Ex.PW-1/2. He produced the CNIC, DMC, birth certificate, passport and register of admission and withdrawal which are Ex.PW-1/3 to Ex.PW-1/7 respectively. He prayed for correction as prayed for in the plaint.

PW-02 is the statement of Stori.Khel. He supported the stance of the plaintiff in his statement. Copy of his CNIC is Ex. PW-2/1.

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rectification. The plaintiff has produced his birth certificate Ex.PW-1/5 wherein the date of birth of the plaintiff is correctly mentioned as 01.06.2003, passport of the plaintiff is Ex.PW-1/6 and admission and withdrawal register is Ex.PW-1/7. All these documents were exhibited without any objection and clearly show the date of birth of the plaintiff as 01.06.2003 and his name as Ikhtisham-ul-Haq. There is nothing in rebuttal except the impugned DMC issued by the defendant, therefore, it can be safely held that correct name of the plaintiff is Ikhtisham-ul-Haq and his correct date of birth is 01.06.2003. The issue is decided in positive.

**Issue No. 01 & 04:**

7. Both these issues are interlinked, hence, taken together for discussion.

As sequel to my findings on issue No. 03, the plaintiff has proved through cogent evidence that his correct name is Ikhtisham-ul-Haq and his correct date of birth is 01.06.2003 instead of Ihtisham-ul-Haq and 01.06.2005. Issue No. 01 & 04 are decided in positive.

**RELIEF:**

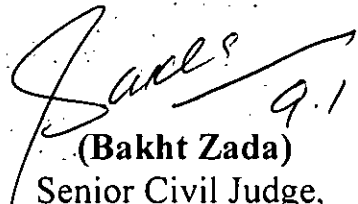
8. As sequel to my above issue-wise findings, the plaintiff proved his case through cogent evidence, therefore suit of the plaintiff is hereby decreed as prayed for with no order as to cost.

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9. File be consigned to the Record Room after its completion and compilation.

**Announced**  
09.01.2024

  
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Senior Civil Judge,  
Orakzai (at Baber Mela)

**CERTIFICATE**

Certified that this judgment of mine consists of five (05) pages; each has been checked, corrected where necessary and signed by me.

  
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(Bakht Zada)  
Senior Civil Judge,  
Orakzai at (Baber Mela)