

IN THE COURT OF ZAHIR KHAN,
Civil Judge-I, Kalaya Orakzai.

Suit No.....6/1 of 2022

Date of Institution..... 18.01.2022.

Date of decision.....28.06.2022.

= = = = =

- 1. Intizar Ali S/O
 - 2. Isam Naz D/O Ashab Ali through Ali Janan (Grandfather) both R/O
Qoum Stori Khel, Tappa Andd Khel, Tazi Khel, Tehsil Lower, District
Orakzai
- (Plaintiffs)

Versus

- 1. Chairman NADRA, Islamabad
- 2. Director General NADRA, KPK, Peshawar
- 3. Assistant Director NADRA, District Orakzai

..... (Defendants)

=====

SUIT FOR DECLARATION & PERMANENT INJUNCTION.

=====

Ex-parte Order

28.06.2022

Plaintiff No. 1 along with grandfather and Mr. Sanaullah Advocate present. Defendants have already been placed ex-parte. List of witnesses submitted. Ex-parte evidence of plaintiff recorded as PW-01 and PW-02 and closed. Ex-parte arguments also heard and record perused.

Brief facts in the backdrop are that plaintiffs have filed the instant suit against the defendants through grandfather namely Ali Janan for declaration and permanent injunction to the effect that as per

Ju
28/06/2022

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

Admission Form and Birth Certificate, correct date of birth of plaintiff

No. 1 is 03.04.2013, however, defendants have incorrectly entered date of birth of plaintiff No. 1 as 29.08.2008 while as per School Record, correct date of birth of plaintiff No. 2 is 01.01.2004, however, defendants have incorrectly entered date of birth of plaintiff No. 2 in "Form B" as 01.01.2006 which entries are wrong, illegal and liable to be rectified. That defendants were asked time and again to rectify date of birth of plaintiffs but in vain hence, the present suit.

With due process of law and procedure, the defendants were summoned, they appeared through representative. Authority letter was submitted but later on, he remained absent, therefore, placed and proceeded against ex-parte.

After submission of list of witnesses, plaintiffs were allowed to produce their ex-parte evidence. Plaintiffs produced two witnesses who deposed as PW-01 and PW-02, thereafter, closed their ex-parte evidence.

Principal of Government Al Mustafa Public School Daggay, Tazi Khel namely Imtiaz Hussain deposed as PW-01. Copy of his CNIC is Ex-PA. He produced admission and withdrawal register and admission form of plaintiff No. 1 exhibited as Ex. PB and Ex. PC.

Grandfather of plaintiffs namely Ali Janan deposed as PW-02. He reiterated the averments of plaint. Copy of his CNIC is Ex-PW-2/1. He

28/06/2022
ZAHIR KHAN stated that father of plaintiffs has been died while mother of plaintiffs
Civil Judge/JM
Kalaya Orakza Parda Nasheen lady. He produced application form for

computerized birth registration certificate and birth certificate issued by Government Girls High School, Annd Khel, Orakzai of plaintiff No. 2 exhibited as Ex. PW-2/2 and Ex. PW-2/3. He lastly requested for decree of suit against the defendants as prayed for.

Claim and contention of plaintiffs is that true and correct date of birth of plaintiff No. 1 is **03.04.2013**, however, defendants have incorrectly entered date of birth of plaintiff No. 1 as **29.08.2008** while as per School Record, correct date of birth of plaintiff No. 2 is **01.01.2004**, however, defendants have incorrectly entered date of birth of plaintiff No. 2 in "Form B" as **01.01.2006** which is wrong, illegal and liable to be rectified. Plaintiffs have placed reliance on School Record.

There is nothing in rebuttal due to ex-parte while plaintiffs produced cogent, convincing and reliable documentary as well as oral evidence in support of their claim. The modification/rectification sought by plaintiffs will not affect rights of others.

As there is nothing in rebuttal due to ex-parte and plaintiffs produced reliable evidence, therefore, suit of plaintiffs is hereby ex-parte decreed as prayed for. No order as to cost. This decree shall not affect rights of others, interested if any.

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

Announced
28.06.2022



Zahir Khan
Civil Judge-I, Kalaya Orakzai