

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

Suit No.....12/1
Date of Original Institution..... 19.12.2019.
Date of Transfer In..... 21.06.2021.
Date of decision.....01.07.2022.
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Zarmat Khan S/O Abdul Saeed Shah R/O Qoum Bezote, Tappa Qambar
Khel, Star Bezote, Tehsil Lower, District Orakzai.

..... (Plaintiff)

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
01.07.2022

Plaintiff along with counsel present. None present for defendants, therefore, placed ex-parte. List of witnesses already submitted. Remaining ex-parte evidence of plaintiff recorded as PW-02 and closed. Ex-parte arguments also heard and record perused.

Brief facts in the backdrop are that plaintiff has filed the instant suit against the defendants for declaration and permanent injunction to the effect that true and correct date of birth of plaintiff is **03.05.1999**, however,

defendants have incorrectly entered date of birth of plaintiff as **01.01.1990** which is wrong, illegal and liable to be rectified. That defendants were asked time and again to rectify date of birth of plaintiff but in vain hence, the present suit.

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With due process of law and procedure, the defendants were summoned, they appeared through representative. Authority letter and written statement was filed. The following issues were framed;

Issues

1. Whether plaintiff has got cause of action?
2. Whether suit of plaintiff is within time?
3. Whether correct date of birth of plaintiff is 03.05.1999 while it has been wrongly entered in his CNIC as 01.01.1990?
4. Whether plaintiff is entitled to the decree as prayed for?
5. Relief.

After submission of list of witnesses, parties were allowed to produce their evidence.

During course of recording evidence, plaintiff produced one Zarmat Khan (Uncle) as PW-01 but thereafter, plaintiff was given repeated opportunities to produce remaining evidence but he failed, resultantly, vide order dated 22.02.2021, right of plaintiff to produce remaining evidence was struck off and examination in chief of defendant's witness was recorded as DW-01. Order dated 22.02.2021 was challenged in appeal and the learned appellate court vide order dated 06.04.2021 set aside order dated 22.02.2021.

Qum

Examination in chief of representative of defendants namely Farhat

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Abbas was recorded as DW-01 and cross examination was reserved. He

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produced CNIC processing detail form as Ex. DW-1/1.

Today, none present on behalf of defendants, therefore, placed ex parte.

Plaintiff was allowed to produce remaining/ex-parte evidence.

Plaintiff himself appeared and deposed as PW-02. He reiterated the averments of plaintiff. Copy of his CNIC and DMC/Secondary School Certificate is Ex-PW-2/1 and PW-2/2. Per Ex. PW-2/2, date of birth of plaintiff is recorded as 03.05.1999.

Claim and contention of plaintiff is that his true and correct date of birth is **03.05.1999**, however, defendants have incorrectly entered date of birth of plaintiff as **01.01.1990** which is wrong, illegal and in effective upon the rights of plaintiff and liable to be rectified. Plaintiff has placed reliance on DMC/Secondary School Certificate.

There is nothing in rebuttal due to ex-parte while plaintiff produced cogent, convincing and reliable documentary evidence in support of his claim. Secondary School Certificate carries weight as presumption of correctness is attached to it. Plaintiff is a young person, therefore, could not be presumed to have instituted the instant suit for any ulterior motive.

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

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

Announced
01.07.2022



Zahir Khan
Civil Judge-I, Kalaya Orakzai