

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

Suit No.....9/1 of 2022

Date of Institution..... 29.01.2022

Date of decision.....01.07.2022

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Mohib Ali S/O Khair Ali R/O Qoum Bar Muhammad Khel, Tappa Alat Khel,
Tehsil Lower, District Orakzai.

..... (Plaintiff)

Versus

1. Assistant Director, NADRA, District Orakzai

2. Assistant Director, NADRA, Islamabad

..... (Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION.

Ex-parte Order

01.07.2022

Plaintiff along with counsel present. List of witnesses submitted.

Ex-parte evidence of plaintiff recorded as PW-01 to PW-03 and closed. Ex-

parte arguments also heard and record perused.

Brief facts in the backdrop are that plaintiff namely Mohib Ali has
filed the instant suit against the defendants Assistant Director, NADRA
Orakzai and one other for declaration and permanent injunction to the effect

that as per service record, correct date of birth of plaintiff is **1965**, however,

defendants have incorrectly entered date of birth of plaintiff as **01.01.1962**

which is wrong, illegal and ineffective upon the rights of plaintiff 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.

Jm

01/07/2022

**ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai**

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

Plaintiff produced three witnesses in support of his claim.

Sabir Ali, Teacher, Government Primary School, Kurez, District Orakzai appeared and deposed as PW-01. He produced Service Book of plaintiff consisting of 09 sheets as Ex. PW-1/1, CNIC exhibited as Ex. PW-1/2.

Syed Nazar, brother of plaintiff appeared and deposed as PW-02. His CNIC exhibited as Ex. PW-2/1. He supported the claim of plaintiff.

Plaintiff himself deposed as PW-03. Copy of his CNIC exhibited as Ex. PW-3/1. He reiterated the averments of plaint. He lastly requested for decree of suit against the defendants as prayed for.

Claim and contention of plaintiff is that as per Service Record, his true and correct date of birth is **1965**, however, defendants have incorrectly entered date of birth of plaintiff as **01.01.1962** which is wrong, illegal and ineffective

upon the rights of plaintiff and liable to be rectified.

ZAHIR KHAN
Civil Judge
Kalaya Orakzai

There is nothing in rebuttal due to ex-parte while plaintiff produced cogent, convincing and reliable documentary as well as oral evidence in support of his claim. As per Service Record, date of birth of plaintiff is recorded as 1965. Plaintiff is not seeking any modification in his date of birth recorded in his service record.

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.

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

Announced
01.07.2022.



Zahir Khan
Civil Judge-I, Kalaya, Orakzai