

**IN THE COURT OF SHABEER AHMAD,**  
CIVIL JUDGE-II, TEHSIL COURT, KALAYA, ORAKZAI

Suit No.....7/1 of 2022  
Date of Original Institution.....26.02.2022  
Date of Transfer in.....24.06.2022  
Date of decision.....05.08.2022

**Khayal Akbar son of Gul Akbar,**  
residents of Qaum Mishti, Tappa Haider Khel, Janako,  
District Orakzai.

*(Plaintiff)*

**VERSUS**

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

**(Defendants)**

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

**Ex-parte Order**  
**05.08.2022**

Plaintiff in person along with counsel present.

Defendants have already been placed ex-parte. Ex-parte arguments 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 correct date of birth of the plaintiff is **01.01.1978**, but defendants have wrongly and incorrectly entered the dates of birth of the plaintiff as 1972 in their record which entry is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. Plaintiff has

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averred that due to this wrong entry, the defendants have entered the date of birth of the father of the plaintiff as 1958, there is a gap of 14 years which is unnatural. That defendants were asked time and again to rectify plaintiff date of birth as **01.01.1978**, but in vain hence, the present suit.

With due process of law and procedure, defendants were summoned, they appeared through representative namely Syed Farhat Abbas, submitted authority letter and written statement but later did not pursue the case, therefore, placed and proceeded against ex-parte.

After submission of list of witnesses, plaintiff was allowed to produce his ex-parte evidence. Plaintiff produced three (03) witnesses in support of his claim. Thereafter, ex-parte evidence of plaintiff was closed.

Plaintiff namely Khayal Akbar son of Gul Akbar, himself appeared as PW-01. He produced his CNIC, and his father MNIC which are exhibited as Ex. PW-1/1 and Ex. PW-1/2 respectively. Further stated that the date of birth of my father is 1958 and according to that there is a difference of 14 years between the plaintiff and his father which is unnatural and unlawful.

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Abdul Mateen son of Fazal Khanan, a villager and neighbor of the plaintiff, appeared as PW-02. Copy of his CNIC is Ex. PW-2/1. He further supported the stance of the plaintiff.

Further Khayal Akbar son of Gul Asghar, neighbor of the plaintiff appeared as PW-03. He produced his CNIC which is exhibited as Ex. PW-3/1 and further narrated the same story as in the plaint.

Claim and contention of plaintiff is that correct date of birth of plaintiff is **01.01.1978**, but defendants have incorrectly entered date of birth of the plaintiff as 1972, which is wrong, illegal and in effective upon the rights of plaintiff and liable to be rectified.

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Orakzai (Khyber Pakhtunkhwa)

The plaintiff produced cogent, convincing and reliable documentary as well as oral evidence in support of his claim. The plaintiff produced his father MNIC, according to which date of birth of the father of the plaintiff is 1958 while the date of birth of the plaintiff is 1972, there is a gap of 14 years which is unnatural and unlawful.

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. Defendants are directed to correct the date of birth of the

plaintiff as **01.01.1978**. 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 District Record Room, Orakzai, after necessary completion and compilation.

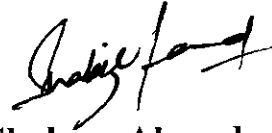
**Announced**  
05.08.2022



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Civil Judge-II  
Tehsil Court, Kalaya Orakzai

**CERTIFICATE**

Certified that this judgment consists of four (04) pages, each has been checked, corrected where necessary and signed by me.



**Shabeer Ahmad**  
Civil Judge-II  
Tehsil Court, Kalaya Orakzai