

26

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

Suit No.....8/1 of 2022

Date of Original Institution.....18.02.2022

Date of Transfer in.....24.06.2022

Date of decision.....29.07.2022

Saida Bibi wife of Bahadur Khan, resident of Qaum
Utman Khel, Tappa Fatha Khan Khel, Momin Kallay, Dsitric
Lower 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

29.07.2022

Plaintiff 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 **01.01.1985**, but
defendants have wrongly and incorrectly entered the date
of birth of plaintiff as 01.01.1988 in their record which
entry is wrong, illegal and ineffective upon the rights of

Shabeer Ahmad
Civil Judge-II
Orakzai (Kalaya)

plaintiff and liable to be rectified. That defendants were asked time and again to rectify plaintiff date of birth as **01.01.1985** but in vain hence, the present suit.

With due process of law and procedure, defendants were summoned, they appeared and submitted authority letter but later did not pursue the case, therefore, placed and proceeded against ex-parte.

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

Plaintiff No. 1 namely Akthar Shah son of Sahib Badshah, the father of the plaintiff appeared as PW-01. He produced Nikah Nama of the plaintiff and his FRC which are exhibited as Ex. PW-1/1 and Ex. PW-1/2 respectively. According to Nikah Nama which is exhibited as Ex. PW-1/1, the plaintiff was married in 14.08.2001 to Bahadar Khan. That plaintiff is my first child and the original date of birth of the plaintiff is **01.01.1985** while Qismat Shah is my second child but due to wrong entries in defendants record the Qismat Shah has been made my first child while Saida Bibi my second child. He requested for correction of date of birth of the plaintiff. Bahadar Khan son of Malak Zain Udin, husband of the plaintiff, deposed

Shabeer Ahmad
Civil Judge/JM-II
Orakzai (Malaya)

as PW-02. He stated that he married the plaintiff on 14.08.2001 and that he has seven children from the marriage. That his first child is now of 18 years but due to unnatural gap with his mother his CNIC cannot be made. He further supported the stance of the plaintiff. Further, Muhammad Asim son of Bahadar Khan, son of the plaintiff appeared as PW-03. He produced his domicile, birth registration certificate and CNIC registration form which are exhibited as Ex. PW-3/1 to Ex. PW-3/3 respectively. He stated that we are seven brothers and sisters and I am eldest child of my parents. That due to wrong entry of the date of birth of my mother the defendants are not issuing my CNIC. He prayed for the correction of date of birth of the plaintiff.

Claim and contention of plaintiff is that correct date of birth of plaintiff is **01.01.1985** but defendants have incorrectly entered date of birth of plaintiff as 01.01.1988, which is wrong, illegal and in effective upon the rights of plaintiff and liable to be rectified. Since the plaintiff got married on 14.08.2001, according to defendants record date of birth of plaintiff is 01.01.1988 then at the time of marriage age of plaintiff is 13 years which is unlawful. As per statement of the father of the plaintiff the plaintiff is his first child and his 2nd child is Qismat Shah and his date

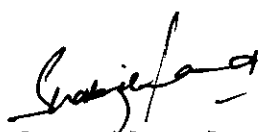
Shahbaz Raza
Civil Judge/AM-II
Orakzai (Kalaya)

of birth according to defendants record is 01.01.1987. Due to wrong entries Qismat Shah has been made his first child and Saida Bibi (the plaintiff) has been made second child. If correction is made to this effect the correct date of birth of plaintiff will be **01.01.1985**. The plaintiff further produced her elder son birth registration certificate, according to which the date of birth of her son namely Muhammad Asim is 01.01.2003 and the date of birth of the plaintiff in defendants record is 01.01.1988, there is un-natural gap of 15 years between the plaintiff and her son.

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 District Record Room, Orakzai, after necessary completion and compilation.

Announced
29.07.2022.


Shabeer Ahmad
Civil Judge-II
Tehsil Courts, Kalaya Orakzai

CERTIFICATE

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



Shabeer Ahmad
Civil Judge-II
Tehsil Courts, Kalaya Orakzai