

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

Suit No.....230/1 of 2022.

Date of Institution..... 03.01.2022.

Date of decision.....27.07.2022.

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1. Nat Bibi W/O Kemya Gul,
2. Muhammad Nawaz,
3. Gul Nawaz both S/O Shoaib Khan all R/O Qoum Uthman Khel,
Tappa Fateh Khan Khel, Miagano Kalay, Tehsil Lower, District
Orakzai..... (Plaintiffs)

Versus

1. Chairman NADRA, Islamabad.
2. Assistant Manager, NADRA, District Orakzai
..... (Defendants)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION.

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Ex-parte Order
27.07.2022

Plaintiffs present through Assistant of counsel for plaintiffs.

Ex-parte arguments already heard and record perused.

Brief facts in the backdrop are that plaintiffs have filed the instant suit for declaration cum-permanent injunction to the effect that, true and correct date of birth of plaintiff No. 1 is 01.01.1975, however, defendants have incorrectly entered the same as 01.01.1988 which is wrong, illegal and ineffective upon the rights of plaintiffs and liable to be rectified. That due to this wrong entry, there is unnatural age difference of about 05 years between plaintiff No. 1 (mother) and


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plaintiff No. 2 (son) whose date of birth as per CNIC is 01.01.1993. Similarly, due to this wrong entry there is unnatural age difference of about 10 years between plaintiff No. 1 (mother) and plaintiff No. 3 (son) whose date of birth as per CNIC is 01.01.1998. That defendants were asked time and again to rectify date of birth of plaintiff No. 1 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 filed and time was sought for written statement, but none present on behalf of defendants today, therefore, placed and proceeded against ex-parte.

After submission of list of witnesses, plaintiffs were allowed to produce their ex-parte evidence.

Plaintiff No. 3 (attorney for plaintiff No.1) namely Gul Nawaz himself appeared and deposed as PW-01. He reiterated the averments of plaint. Copy of CNIC of plaintiff No. 1 is Ex. PW-1/1. Copy of his CNIC is Ex. PW-1/2, Special Power of Attorney is Ex. PW-1/3 and copy of CNIC of plaintiff No. 2 is Ex. PW-1/4. He stated that due to this wrong entry there is unnatural age difference of about 05 years and 10 years between plaintiff No. 1 and her sons (plaintiff No. 2 and No.3). He lastly requested for decree of suit.


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Nephew of plaintiff No. 1 namely Muhammad Wajid Khan appeared and deposed as PW-02. Copy of his CNIC is Ex. PW-2/1. He fully supported the claim of plaintiffs.


Brother of plaintiff No. 1 namely Speen Asghar deposed as PW-03. Copy of his CNIC is Ex. PW-3/1. He also supported the claim of plaintiffs.

Thereafter, ex-parte evidence of plaintiffs was closed.

Claim and contention of plaintiffs is that true and correct date of birth of plaintiff No. 1 is 01.01.1975, however, defendants have incorrectly entered date of birth of plaintiff No. 1 as 01.01.1988 which is wrong, illegal and in effective upon the rights of plaintiffs and liable to be rectified.

As per Ex. PW-1/1 (CNIC of plaintiff No. 1), date of birth of plaintiff No. 1 is entered as 01.01.1988 while as per Ex. PW-1/4 (CNIC of plaintiff No. 2), date of birth of plaintiff No. 2 is recorded as 01.01.1993 resulting into unnatural age difference of 05 years between plaintiff No. 1 and plaintiff No. 2. Similarly, as per Ex. PW-1/2 (CNIC of plaintiff No. 3), date of birth of plaintiff No. 3 is recorded as 01.01.1998 resulting into unnatural age difference of 10 years between plaintiff No. 1 and plaintiff No. 3.

There is nothing in rebuttal due to ex-parte while plaintiffs produced cogent, convincing and reliable documentary as well as oral


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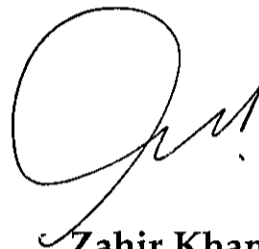
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evidence in support of their claim. The Modification in date of birth sought by plaintiffs will not affect rights of others.

As there is nothing in rebuttal due to ex-parte while 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 the rights of others, interested if any. This decree shall not affect service record of plaintiffs, if any.

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

Announced
27.07.2022.



Zahir Khan
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