

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

Suit No.....14/1 of 2022.

Date of Institution..... 12.02.2022.

Date of decision.....25.07.2022.

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Muhammad Zaman S/O Noor Ghani R/O Qoum Feroz Khel, Tappa Ghairat Khel, Said Khalil Baba, 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

25.07.2022

Plaintiff along with counsel present. None present for defendants, therefore, placed ex-parte. Counsel for plaintiff closed evidence. He relied upon statement of record keeper recorded as PW-02 during course of ex-parte evidence. 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 as per School record, true and correct date of birth of plaintiff is 01.01.2004, however, defendants have incorrectly entered date of birth of plaintiff as 01.01.1994 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 was submitted but later on, representative of defendants remained absent, therefore, defendants were placed ex-parte vide order dated 16.06.2022. On 04.07.2022, representative of defendants filed application for setting aside ex-parte proceedings against defendants which was accepted being not objected by counsel for plaintiff. On 18.07.2022, written statement was filed. Issues were framed. Statement of plaintiff was recorded as PW-01. Today, none present on behalf of defendants, therefore, placed and proceeded against ex-parte. Counsel for plaintiff closed evidence.

Plaintiff was examined as PW-01. He reiterated the averments of plaint. Copy of his CNIC is Ex. PW 1/1. He produced school leaving certificate exhibited as Ex. PW-1/2 wherein date of birth of plaintiff is recorded as 01.01.2004.

Najeeb Ullah, Teacher Orakzai Model School & College, Feroz Khel was examined as PW-02. Copy of his CNIC is Ex. PW-2/1. He produced Admission and withdrawal Register which is Ex. PW-2/2. He also stated that, school leaving certificate Ex. PW-1/2 has been issued by Orakzai Model School & College wherein date of birth of plaintiff is recorded as 01.01.2004.

Claim and contention of plaintiff is that his true and correct date of birth is 01.01.2004, however, defendants have incorrectly entered date of birth of plaintiff as 01.01.1994 which is wrong, illegal and in effective upon the rights of plaintiff and liable to be rectified. Plaintiff has placed reliance on school record.

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There is nothing in rebuttal due to ex-parte while plaintiff produced cogent, convincing and reliable documentary evidence in support of his claim. 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 effect service record of plaintiff, if any.

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

Announced
25.07.2022



Zahir Khan
Civil Judge-I, Kalaya Orakzai