

48

IN THE COURT OF REHMAT ULLAH WAZIR,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 54/1 of 2021
Date of Institution: 13.10.2021
Date of Decision: 21.09.2021

1. Nazneen D/O Hameed Khan, R/O Qoum Bar Muhammad Khel,
Village Mirazai, Tehsil Lower, District Orakzai.
(Plaintiff)

VERSUS

2. The Chairman BISE, Kohat.
3. Government Degree College, Kalaya, Affiliated with Shaheed Benazir
Bhutto Women's University, Peshawar, Department of History.
(Defendants)

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

JUDGEMENT:

1. Plaintiff Nazneen has brought the instant suit for declaration-cum-permanent injunction against defendants, seeking therein that the correct date of birth of the plaintiff is 01.12.2000 as per her Primary School Certificate and Admission & Withdrawal Register while the defendants have wrongly entered the same as 1.12.1995 in her Matric Certificate, Intermediate Certificate and University Admission Form instead of 01.12.2000, which is wrong and ineffective upon the rights of the plaintiff and liable to correction. That the defendants were asked time and again for

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REHMAT ULLAH WAZIR
Senior Civil Judge, J.M.,
Orakzai at Baber Mela

36

correction of date of birth of the plaintiff but they refused to do so, hence the present suit;

2. Defendants were summoned, in whom, the defendant No. 01 appeared before the court through its legal advisor Shaheen Muhammad Advocate while defendant no. 02 failed to appear before the court, hence, placed and proceeded ex-parte.

3. The defendant no. 01 through its legal advisor contested the suit by filing written statement, wherein various legal and factual objections were raised.

4. Divergent pleadings of the parties were reduced into the following issues;

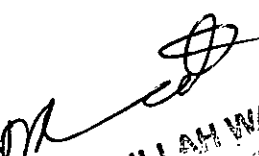
Issues:

1. Whether plaintiff has got cause of action?
2. Whether the correct date of birth of the plaintiff is "01.12.2000" while defendants have wrongly mentioned the date of birth of the plaintiff as 01.12.1995 in their record?
3. Whether the plaintiff is entitled to the decree as prayed for?
4. Relief.

Parties were given ample opportunity to produce evidence which they did accordingly.


REHMAT ULLAH WAZIR
Senior Civil Judge/JM,
Orakzai at Baber Mela

The plaintiff produced witnesses in whom Hameed Khan, father and special attorney of the plaintiff, appeared as PW-01, who produced his Special Power of Attorney, copy of Matric Certificate, copy of Matric DMC, F.SC Certificate and F.SC DMC which are Ex.PW-1/1 to Ex.PW-1/5 respectively and according to these, the date of birth of the plaintiff is 01.12.1995. He further produced the copy of Migration Certificate and Result Slip of Semester-4 which are Annexure-A and Annexure-B respectively and further narrated the same story as in the plaint. Further, the one Surat Khan, Co-Villager of the plaintiff, appeared as PW-02, who supported the stance of the plaintiff by narrating the same story as in the plaint. Further the one Taj Mela, PSHT GPS Qamar Garhi, Orakzai, appeared as PW-03 and stated Mst. Nazneen took admission in our school on 17.04.2004 Class One. She further produced Admission and Withdrawal Register which is Ex.PW-3/1 and according to that, the date of birth of the plaintiff is 01.12.2000. She also produced the copy of her CNIC, which is Ex.PW-3/2.


EHMAT ULLAH WAZIR
Senior Civil Judge/JM,
Orakzai at Baber Mela

The counsel for the contesting defendant no. 01 recorded his statement, wherein he relied on the written

48

statement and educational documents produced by the plaintiff and did not produce any evidence.


Issue wise findings of this court are as under: -

Issue No. 02:

5. The plaintiff alleged in her plaint that the correct date of birth of the plaintiff is 01.12.2000 as per School Certificate and Admission & Withdrawal Register while the defendants have wrongly entered the same as 1.12.1995 in her Matric Certificate, Intermediate Certificate and University Admission Form instead of 01.12.2000, which is wrong and ineffective upon the rights of the plaintiff and liable to correction. That the defendants were asked time and again for correction of date of birth of the plaintiff but they

refused to do so, hence the present suit:

The plaintiff produced witnesses in whom, the one Hameed Khan, father and special attorney of the plaintiff, appeared as PW-01, who produced his Special Power of Attorney, copy of Matric Certificate, copy of Matric DMC, F.SC Certificate and F.SC DMC which are Ex.PW-1/1 to Ex.PW-1/5 respectively and according to these, the date of birth of the plaintiff is 01.12.1995. He further produced the


REHMAT ULLAH WAZIR
Senior Civil Judge/JM,
Orakzai at Baber Mela

159

copy of Migration Certificate and Result Slip of Semester-4 which are Annexure-A and Annexure-B respectively and further narrated the same story as in the plaint. Further, the one Surat Khan, Co-Villager of the plaintiff, appeared as PW-02, who supported the stance of the plaintiff by narrating the same story as in the plaint. Further the one Taj Mela, PSHT GPS Qamar Garhi, Orakzai, appeared as PW-03 and stated the Mst. Nazneen took admission in our school on 17.04.2004 in Class One. She further produced Admission and Withdrawal Register which is Ex.PW-3/1 and according to that, the date of birth of the plaintiff is 01.12.2000. She also produced the copy of her CNIC, which is Ex.PW-3/2.

REHMAT ALLAH WAZIR
Senior Civil Judge/JM,
Orakzai at Baber Mela

The counsel for the contesting defendant no. 01 recorded his statement, wherein he relied on the written statement and educational documents produced by the plaintiff and did not produce any evidence.

Arguments heard and record perused.

After hearing of arguments and perusal of the record, I am of the opinion that the plaintiff produced her Primary School Record in the shape of Ex.PW-3/1 which is the very basis of her date of birth and earlier in time as compared to the record in the possession of the defendants,

30

therefore, more authentic and presumed to be genuine unless rebutted. She also produced oral evidence in support of her claim which is in addition to the documentary proof.

Thus, the plaintiff established her claim through cogent and reliable evidence. Hence, the issue is decided in positive.

Issue No. 01 & 03:

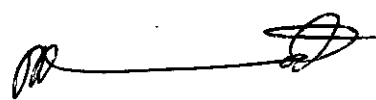
Both these issues are interlinked, hence, taken together for discussion. As sequel to my findings on issue No. 2, the plaintiff has got a cause of action and therefore, entitled to the decree as prayed for. Both these issues are decided in positive.

RELIEF:

As sequel to my above issue wise findings, the suit of the plaintiff is hereby **decreed** as prayed for with no order as to costs.

File be consigned to the Record Room after its completion and compilation.

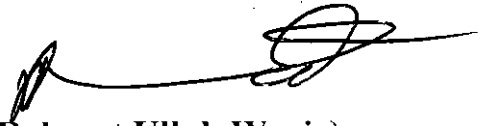
Announced
21.09.2022


(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)
Senior Civil Judge/JM,
Orakzai at Baber Mela

151

CERTIFICATE

Certified that this judgment of mine consists of Seven (07) pages, each has been checked, corrected where necessary and signed by me.


(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)

REHMAT ULLAH WAZIR
Senior Civil Judge/JM,
Orakzai at Baber Mela