

**IN THE COURT OF SHABEER AHMAD,
Civil Judge-II, Tehsil Kalaya, Orakzai.**

Suit No.....90/1 of 2022

Date of Original Institution.....26.02.2022

Date of Transfer in.....07.07.2022

Date of decision.....27.07.2022

= = = = =

1. Ajmal Khan son of Ghuncha Gul,
2. Ihsan Bibi wife of Ghuncha Gul, both residents of Qaum Mishti,
Tappa Haider Khel, Sarla, District Orakzai.

.....(Plaintiffs)

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

27.07.2022

Plaintiff no.1 in person along with counsel while plaintiff no. 2 through attorney alongwith counsel present. Defendants have already been placed ex-parte. Ex-parte arguments heard and record perused.

Brief facts in the backdrop are that plaintiffs have filed the instant suit against the defendants for declaration and permanent injunction to the effect that correct date of birth of the

Shabeer Ahmad
Civil Judge-II
Orakzai (Kalaya)

plaintiff no. 1 is **01.01.1996**, according to Secondary School Record and correct date of birth of plaintiff no. 2 is **01.01.1978**, but defendants have wrongly and incorrectly entered the dates of birth of both the plaintiffs as 01.01.1991 in their record which entries are wrong, illegal and ineffective upon the right of plaintiffs and liable to be rectified. Plaintiffs have averred that due to these wrong entries, the defendants have entered same dates of birth plaintiff and his mother, what to say of un-natural gap. That defendants were asked time and again to rectify plaintiff no. 1 dates of birth as **01.01.1996** and plaintiff no. 2 as **01.01.1978**, 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 were allowed to produce their ex-parte evidence. Plaintiffs produced two witnesses in support of their claim. Thereafter, ex-parte evidence of plaintiffs was closed.

Plaintiff No. 1 namely Ajmal Khan son of Ghuncha Gul, himself appeared as PW-01. He produced his CNIC, SSC Certificate and his mother CNIC which are exhibited as Ex. PW-1/1, Ex. PW-1/2 & Ex. PW-1/3 respectively.

Sheeja K. K.
Civil Judge/JM-II
Orakzai (Kalaya)

Rustam Khan son of Sawab Khan, cousin of the plaintiff no. 1, deposed as PW-02. Copy of his CNIC is Ex. PW-2/1. He further supported the stance of the plaintiffs.

Claim and contention of plaintiffs is that correct dates of birth of plaintiff no. 1 is **01.01.1996** and that of plaintiff no. 2 is **01.01.1978** but defendants have incorrectly entered dates of birth of both the plaintiffs as 01.01.1991, which are wrong, illegal and in effective upon the right of plaintiffs and liable to be rectified.

There is nothing in rebuttal due to ex-parte while plaintiffs produced cogent, convincing and reliable documentary as well as oral evidence in support of their claim. The plaintiff no. 1 produced his Secondary School Certificate, according to which date of birth of the plaintiff no. 1 is **01.01.1996**. The SSC is a public document which is a reliable document. Since plaintiff no. 1 and plaintiff no. 2 are son and mother inter se and the defendants have entered same dates of birth of the plaintiffs in their CNICs which is not possible. If date of birth of plaintiff no. 1 is taken as 01.01.1996 which is in SSC then the correct date of birth of plaintiff no. 2 would be 01.01.1978 to avoid un-natural gap between plaintiffs.

As there is nothing in rebuttal due to ex-parte and plaintiffs produced reliable evidence, therefore, suit of plaintiffs is hereby ex-parte decreed as prayed for. No order as to cost. This

Shabzeer Ahmad
Civil Judge JM-II
Orakzai (Karaya)

24
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 District Record Room, Orakzai, after
necessary completion and compilation.

Announced
27.07.2022.




Shabeer Ahmad
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