

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

Suit No.....192/1 of 2021.

Date of Institution..... 09.11.2021.

Date of decision.....26.07.2022.

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Sajid Ullah S/O Afsar Khan R/O Qoum Mishti, Tappa Haider Khel,
Tehsil Central, District Orakzai. (through father)

..... (Plaintiff)

Versus

- 1. Chairman NADRA, Islamabad.
- 2. Director General NADRA, KPK, Peshawar.
- 3. Assistant Director NADRA, District Orakzai.

..... (Defendants)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION.

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Ex-parte Order

26.07.2022

Plaintiff along with counsel present. None present for defendants, therefore, placed ex-parte. List of witnesses submitted. Ex-parte evidence of plaintiff recorded as PW-01 and closed. Ex-parte arguments also 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 Secondary School Certificate, correct

date of birth of plaintiff is 01.01.2001, however, defendants have

incorrectly entered date of birth of plaintiff as 01.01.1991 which is

wrong, illegal and liable to be rectified. That defendants were asked

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time and again to rectify date of birth of plaintiff but in vain hence, the present suit.

With due process of law and procedure, the defendants were summoned, they appeared through representative. Authority letter and written statement was submitted but today, none present on behalf of defendants, therefore, placed and proceeded against ex-parte.

After submission of list of witnesses, plaintiff was allowed to produce his ex-parte evidence. Plaintiff produced one witness.

Plaintiff himself appeared and deposed as PW-01. He reiterated the averments of plaint. He produced DMC/Secondary School Certificate as Ex-PW-1/1 wherein date of birth of plaintiff is recorded as 01.01.2001. Copy of his CNIC is Ex-PW 1/2.

Thereafter, ex-parte evidence of plaintiff was closed.

Claim and contention of plaintiff is that his true and correct date

of birth is 01.01.2001, however, defendants have incorrectly entered date of birth of plaintiff as 01.01.1991 which is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified.

Plaintiff has placed reliance on DMC/ Secondary School Certificate.

There is nothing in rebuttal due to ex-parte while plaintiff produced cogent, convincing and reliable documentary evidence in support of his claim. Secondary School Certificate carries weight as

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presumption of correctness is attached to it. 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 while 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. Defendants may verify Secondary School Certificate from authorities concerned, if deemed necessary.

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

Announced
26.07.2022



Zahir Khan
Civil Judge-I, Kalaya Orakzai