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

Suit No......195/1 Neem
Date of Original Institution.....24.11.2021.
Date of Restoration.....23.08.2022.
Date of decision.....23.08.2022.
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Lobia Jan W/O Sharbat Khan R/O Qoum Mishti, Tappa Mamazai, Village Injghalay, Tehsil Central, District Orakzai.

..... (Plaintiff)

Versus

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

..... (Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION.

SUMMARY JUDGEMENT

23.08.2022

Attorney for plaintiff along with counsel present. Representative of defendants also present. Vide my separate order of today, ex-parte decree dated 26.07.2022 is set aside. Suit in hand be entered accordingly.

Representative of defendants stated that date of birth of plaintiff can be rectified as per service record, therefore, he has got no objection on the summary disposal of the case. Counsel for plaintiff and representative of defendants requested for summary disposal of the suit. Arguments heard and



ZAHIR KHAN
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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 service record, true and correct date of birth of plaintiff is **25.09.1968**, however, defendants have incorrectly entered date of birth of plaintiff as **1963** which is wrong, illegal and ineffective upon the rights of plaintiff 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.

With due process of law and procedure, defendants were summoned, they appeared through representative. Authority letter and written statement was filed, but later on, representative of defendants remained absent, therefore, placed and proceeded against ex-parte. Suit of plaintiff was ex-parte decreed vide ex-parte order dated 26.07.2022. Today, on acceptance of application for setting aside ex-parte decree, ex-parte decree dated 26.07.2022 is set aside.

As per service record, date of birth of plaintiff is recorded as 25.09.1968. Plaintiff was appointed in Education Department as Class-IV employee on 20.09.1994. If date of birth of plaintiff is reckoned as 25.09.1968, then age of plaintiff at the time of her appointment (i.e., 20.09.1994) would be 25 years which is correctly entered in her service record. There is no need of recording evidence of the parties. Defendants are directed to rectify date of birth of plaintiff as 25.09.1968 accordingly. Plaintiff is not seeking any modification in her date of birth recorded in her service record.

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

Announced
23.08.2022.



Zahir Khan
Civil Judge-I, Kalaya, Orakzai