

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

Suit No.....3/1 of 2022
Date of Original Institution..... 21.01.2020
Date of Present Institution.....18.06.2021
Date of decision.....23.06.2022
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Muhammad Qayum S/O Mir Dil Khan R/O Qoum Stori Khel, Tappa
Mala Khel, Qambar, Tehsil Lower, District Orakzai.

..... (Plaintiff)

Versus

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

..... (Defendants)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION.

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Ex-parte Order
23.06.2022

Plaintiff through counsel present. Ex-parte arguments
already heard and record perused.

JMK
23/06/2022

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, correct date of birth of

ZAHIR KHAN
Civil Judge
Kalaya Orakzai

plaintiff is 03.05.1981, however, defendants have incorrectly entered
date of birth of plaintiff as 17.03.1990 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, the defendants were summoned, they appeared through representative. Authority letter and written statement was filed. Evidence of plaintiff was recorded as PW-01 to PW-04 and was closed. Case was fixed for evidence of defendants but non appeared before the court on behalf of defendants on date fixed, therefore, defendants were placed and proceeded against ex-parte.

Plaintiff produced four witnesses in support of his claim.

Uncle of plaintiff namely Shahid Gul, appeared and deposed as PW-01. Copy of his CNIC is Ex. PW-1/1. He supported the claim of plaintiff.

Plaintiff himself deposed as PW-02. He reiterated the averments of plaint and lastly requested for decree of suit against the defendants as prayed for.

Relative of plaintiff namely Siyal Khan, was examined as PW-03.

Copy of his CNIC is Ex. PW-3/1. He also supported claim of plaintiff.

ZAHIR KHAN Atif Ullah, Record Keeper of Police Department (Ex-Levis)
Civil Judge/JM
Kalaya Ok deposed as PW-04. He produced original Service Book of plaintiff

exhibited as Ex. PW-4/1 (02 pages). He stated that plaintiff was


Gul

23/06/2022

appointed on 13.07.2000 and correct date of birth of plaintiff is 03.05.1981.

Thereafter, evidence of plaintiff was closed and case was fixed for evidence of defendants but they remained absent, therefore, they were placed ex-parte.

Claim and contention of plaintiff is that as per Service Record, his true and correct date of birth is 03.05.1981, however, defendants have incorrectly entered date of birth of plaintiff as 17.03.1990 which is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified.

 There is nothing in rebuttal due to ex-parte while plaintiff produced cogent, convincing and reliable documentary as well as oral

23/06/2022 evidence in support of his claim. As per Service Record, date of birth of

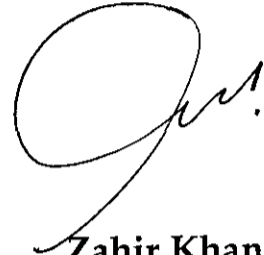
ZAHIR KHAN
Civil Judge JM
Kalaya Orakzai

plaintiff is recorded as 03.05.1981. Plaintiff was appointed in Levis on 13.07.2000. If date of birth of plaintiff is reckoned as 17.03.1990, which is recorded in the record of defendants, then at the time of appointment of plaintiff, his age would be 10 years which would be against the law hence, not possible. If date of birth of plaintiff is reckoned as 03.05.1981, then age of plaintiff at the time of his appointment (i.e., 13.07.2000) would be 19 years which is correctly entered in his service record including medical certificate. Plaintiff is not seeking any modification in his date of birth recorded in his service record.

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.

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

Announced
23.06.2022.



Zahir Khan
Civil Judge Kalaya Orakzai