

20

**IN THE COURT OF BAKHT ZADA,**  
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 03/1 of 2024  
Date of Institution: 08.01.2024  
Date of Decision: 27.02.2024

**Shamsher Rehman S/O Gulab Khan, R/O Qoum Ali Khel,  
Tappa Shawas Khel, Tehsil Upper, District Orakzai.**

*(Plaintiff)*

**VERSUS**

**Chairman, BISE Kohat.**

*(Defendant)*

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

**JUDGEMENT:**

1. Plaintiff Shamsher Rehman S/O Gulab Khan has brought the instant suit against defendant, Chairman BISE Kohat for declaration-cum-perpetual and mandatory injunction to the effect that his correct date of birth as per his CNIC and Birth Certificates is 17.08.1979, but the same has been wrongly entered in his record with the defendant as 09.03.1981 which needs rectification. He alleged that the defendant was asked time and again for correction of his date of birth, but they refused to do so, hence the present suit;

Defendant was summoned, who appeared before the court through legal advisor and submitted written statement.

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Orakzai at Baber Mela

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

**Issues:**

1. *Whether the plaintiff has got cause of action?*
2. *Whether the suit of the plaintiffs is within time?*
3. *Whether the correct date of birth of the plaintiff as per Birth Certificates is 17.08.1979 and the defendant has wrongly entered the same as 09.03.1981?*
4. *Whether plaintiff is entitled to the decree as prayed for?*
5. *Relief?*

Parties were given opportunity to produce evidence in support of their respective claims. The plaintiff produced and recorded the statements of following PWs;

**PW-01:** Shamsheer Rehman, the plaintiff himself, appeared as PW-01 who repeated the contents of his plaint. He exhibited the copies of his CNIC and Birth certificates as Ex.PW-1/1 to Ex.PW-1/3.

**PW-02:** Haji Rehman s/o Gulab Khan, brother of the plaintiff, appeared as PW-02 who supported the stance of the plaintiff and requested for decree of suit as prayed for. Copy of his CNIC is Ex.PW-2/1.

On the other hand, legal advisor for the defendant, Mr. Shaheen Muhammad, advocate recorded his statement as DW-01, wherein he relied on his written statement, cross-examination on PW-01 and matric certificate issued by BISE Kohat in the year 2007 and did not produce

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 Senior Civil Judge/JM  
 Orakzai at Baber Melia

27

further evidence.

After closing of evidence of the parties, arguments of the learned counsel for the plaintiff and legal advisor for the defendant were heard and available record perused.

My Issue wise findings are as under: -

**Issue No. 02:**

The plaintiff has produced his Birth Certificate issued by the Public Health Department Doha, Qatar according to which is date of birth is 17.08.1979 which is Ex.PW-1/3. The plaintiff previously has sought correction of his date of birth from the court of Senior Civil Judge, Hangu, but the present defendant chairman BISE Kohat was not party to the said suit. The said correction was made five (5) years back on the basis of judgment and decree Dated: 11.07.2019. The difference between the date of birth in his CNIC and matric certificate issued by the defendants is creating hurdles and complications in his day-to-day life and since the correction of date of birth in CNIC on 11.07.2019, the plaintiff has got a continuous cause of action regarding correction of his date of birth in his academic certificates and as the plaintiff has got continuous cause of action, therefore, the suit of the plaintiff is within time. The issue is decided in positive.

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Senior Civil Judge/JM  
Orakzai at Baber Chela



29

Issue is decided in positive.

**Issue No. 01 & 04:**

Both these issues are interlinked, hence, taken together for discussion.

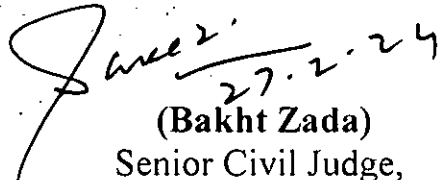
As sequel to my findings on issue No. 03, the plaintiff has proved through cogent evidence that his correct date of birth is 17.08.1979 instead of 09.03.1981. Issues No. 01 & 04 are decided in positive.

**RELIEF:**

As sequel to my above issue wise findings, the plaintiff proved his case through cogent evidence, therefore suit of the plaintiff is hereby **decreed** as prayed for with no order as to cost.

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

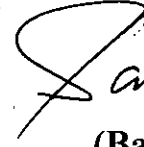
**Announced**  
27.02.2024

  
27.2.24  
(Bakht Zada)  
Senior Civil Judge,  
Orakzai (at Baber Mela)

(80)

**CERTIFICATE**

Certified that this judgment of mine consists of six (06) pages, each has been checked, corrected where necessary and signed by me.

  
27.2.24  
**(Bakht Zada)**  
Senior Civil Judge,  
Orakzai at (Baber Mela)