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

Civil Suit No. 24/01 of 2024.
Date of Institution: 03.05.2024.
Date of Decision: 26.07.2024.

*Akmal Hayat S/O Hashmat Khan, R/O Qaum Feroz Khel, Tappa
Qasim Khel, Tehsil Lower, District Orakzai.*

(Plaintiff)

VERSUS

- 1. Chairman BISE, Kohat.*
- 2. Controller of Examination, BISE, Kohat*

(Defendants)

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

EX-PARTE JUDGEMENT:

26.07.2024

1. Plaintiff Akmal Hayat S/O Hashmat Khan, R/O Qaum Feroz Khel, Tappa Qasim Khel, Tehsil Upper, District Orakzai has brought the instant suit against Chairman BISE, Kohat and one other for declaration-cum-perpetual and mandatory injunctions to the effect that his correct date of birth as per CNIC and service record is 05.11.1989, but the same has been wrongly entered in his record with the defendants as 03.01.1992 which needs rectification. The defendants were asked time and again to make the requisite correction, but they refused and hence the instant suit.

Defendants were summoned, who appeared through legal advisor and contested the suit of the plaintiff by submitting written statement and authority letter, but later on the legal advisor for the defendants remained absent and were placed and proceeded ex-parte and the

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plaintiff was asked to produce his ex-parte evidence. Special attorney of the plaintiff recorded his statement as PW-01, wherein he exhibited his special power of attorney, CNIC & DMC of plaintiff Ex. PW-1/1 to Ex. PW-1/3 respectively. Copy of CNIC of PW-01 is Ex. PW-1/4.

3. PW-02, Raees Khan S/O Ilyas Khan stated that plaintiff is his nephew and his correct date of birth is 05.11.1989. He is serving in Frontier Corps. Copy of CNIC of PW-02 is Ex. PW-2/1.

4. After closing of evidence, arguments heard and available record perused which shows that special attorney of plaintiff produced CNIC & Service record of plaintiff Ex. PW-1/2 & Ex. PW-1/3 as per which correct date of birth of plaintiff is 05.11.1989 while the defendants have wrongly entered the same as 03.01.1992 which is liable to correction. It is very much clear from the plaint that the plaintiff is increasing his age by praying for correction in his date of birth as 05.11.1989 instead of 03.01.1992 which will neither affect the rights of third party, nor will it provide any kind of benefit to him in date of retirement if he joins any service in future. At present, he is not a government servant, therefore, in order to avoid future complications in his career and transactions, I hereby accept his plea and grant ex-parte decree in favour of the plaintiff against the defendants as prayed for. No order as to cost.

5. Case file be consigned to the Record Room after its completion and compilation.

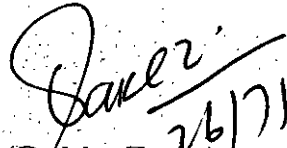
Announced
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CERTIFICATE

Certified that this ex-parte judgement of mine consists of three (03) pages, each has been checked, corrected where necessary and signed by me.


(Bakht Zada)
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