

IN THE COURT OF BAKHT ZADA,
ADDL: DISTRICT JUDGE-I, ORAKZAI (AT BABER MELA)

CIVIL APPEAL NO. : 01/13 OF 2024
DATE OF INSTITUTION : 04.03.2025
DATE OF DECISION : 04.04.2025

1. QIMAT KHAN S/O WAJID ALI R/O CASTE BAR
MUHAMMAD KHEL, TAPA KHAIDAD KHEL TEHSIL
LOWER, DISTRICT ORAKZAI.

.....(Appellant)

-VERSUS-

1. CHAIRMAN NADRA, ISLAMABAD.
2. DIRECTOR GENERAL NADRA KPK HAYATABAD,
PESHAWAR.
3. ASSISTANT DIRECTOR NADRA DISTRICT ORAKZAI

..... (RESPONDENTS)

JUDGEMENT
04.04.2025

Impugned herein is the judgement and order dated 18.02.2025 of the learned Senior Civil Judge, Orakzai. Vide which the said court has dismissed the suit of the appellant/plaintiff. The appellant has also submitted an application along with appeal for grant of permission for recording additional evidence in shape of obtaining opinion of the Standing Medical Board and recording statements of his mother as witness.

- (2). Brief facts of the case of the appellant/plaintiff are that his correct date of birth as 01.01.1983 while it has been erroneously recorded by the defendants. It is asserted that plaintiff is a twin with his brother namely Sangeen Ali.

- (3). The appellant/plaintiff has recorded his own statement as PW-1, statement of his brother Sajid Ali, Taqdeer Ali s/o Sardar Ali co-villagers and statement of Ifikhar Ahmad as PW-2 to PW-4

villagers and statement of Ifikhar Ahmad as PW-2 to PW-4 respectively. Whereafter the suit of the appellant/plaintiff was dismissed by the learned Senior Civil Judge, Orakzai vide the impugned judgement by recording his findings.

(4). Arguments of the learned counsel for the appellant and respondents heard and available record perused.

(5). As per contention of the learned counsel for the appellant, the appellant is an illiterate person and there are no academic documents or evidence available with the plaintiff/appellant in order to prove his correct date of birth. He requested that mother of the appellant/plaintiff being natural witness of the birth of her son may be allowed to depose in order to prove the stance of the appellant/plaintiff before the court. The application of the appellant/plaintiff for opinion of the Standing Medical Board and producing additional evidence in shape of statement of his mother is also submitted with appeal, therefore, without going into the merits of the case the application for additional evidence is accepted in the interest of justice. The impugned judgment and order dated

04-04-25

BAKHT ZADA

Addl District & Sessions Judge-1,
Orakzai at Harigu

18.02.2025 is hereby set aside and the case is remanded back to the learned trial court to decide the same afresh after recording the additional evidence of the plaintiff. No order as to cost.

(6). Requisitioned record be sent back to the quarter concerned along with copy of this order with further direction to the parties to appear before the learned trial court on 16.04.2025 for further proceedings while record of this court be consigned to record room.

Pronounced:
04.04.2025

04-04-25

(BAKHT ZADA)

Addl: District Judge-I, Orakzai
at Baber Mela

CERTIFICATE

Certified that this judgment consists of two (02)
pages. Each page has been read, corrected wherever necessary
and signed by me.

Dated: 04.04.2025

Bakht Zada 4.4.25

(BAKHT ZADA)

Addl: District Judge-I, Orakzai
at Baber Mela