

IN THE COURT OF SYED ABBAS BUKHARI,
CIVIL JUDGE-II, TEHSIL COURTS, KALAYA, ORAKZAI

Civil Suit No. 25/1 of 2023
Date of Original Institution: 18.03.2023
Date of Decision: 19.04.2023

1. Nazeera Jan W/O Munsif Ali, resident of Qaum Bar Muhammad Khel, Tappa Khudaid Khel, Parr Tangi, Tehsil Lower, District: Orakzai.

.....(Plaintiff)

VERSUS

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

.....(Defendants)

SUIT FOR DECLARATION -CUM- PERPETUAL AND MANDATORY INJUNCTION

JUDGMENT

1. Brief facts of the case in hand are that plaintiff has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct date of birth of plaintiff is **01.01.1965**, while defendants have wrongly entered the same as 01.01.1955 in their record, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were asked time and again to do the aforesaid correction but they refused, hence, the present suit;

2. Defendants were summoned, they appeared through their representative and filed written statement whereby they objected the suit on factual and legal grounds.
3. Divergent pleadings of the parties were reduced into the following issues;

Issues:

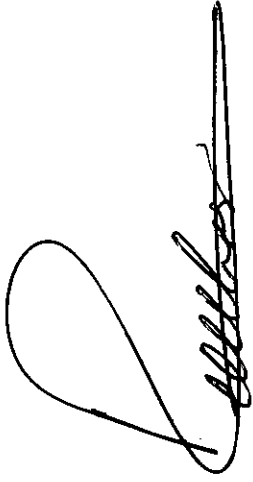
1. Whether the plaintiffs have got a cause of action? OPP
2. Whether the correct date of birth of plaintiff **01.01.1965** while same has been incorrectly entered in the record of defendants as 01.01.1955? OPP
3. Whether the plaintiff is entitled to the decree as prayed for?
4. Relief?

Issue wise findings of this court are as under: -

Issue No. 02:

The plaintiff alleged in her plaint that correct date of birth of plaintiff is **01.01.1965**, while defendants have wrongly entered the same as 01.01.1955 in their record which is wrong, ineffective upon the rights of plaintiff and liable to be corrected.

The plaintiff produced witnesses in whom Mr. Amil Hassan S/O Munsif Ali, the son/attorney of the plaintiff, appeared as PW-01. He produced his CNIC, special power of attorney and CNIC of plaintiff which are Ex. PW-1/1 to Ex. PW-1/3 respectively. He stated that correct date of birth of plaintiff is 01.01.1965 whereas defendants have wrongly entered the same as


 SYED SAAD ZUMAIRI
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01.01.1955. He further stated that plaintiff's mother date of birth is 1948 and according to which there is unnatural gap of 07 years between plaintiff and her mother which is against the SOP of NADRA. He produced CNIC of plaintiff's mother which is Ex. PW-1/4. He lastly requested for decree of the suit. During cross examination nothing tangible has been extracted out of him.

In order to counter the claim of the plaintiff, defendants produced only one witness, the representative of the defendants who appeared as DW-01. He produced Family Tree of plaintiff which is Ex. DW-1/1 and according to that the mother name of plaintiff is Khameena Jan and date of birth is 01.01.1955. During cross examination he admitted that plaintiff has an unnatural gap of 07 years with her mother which is against the SOP of NADRA.

In light of above discussion as plaintiff succeeded to prove her stance by producing documentary, cogent, convincing and reliable evidence and nothing in rebuttal has been brought on record by the opposite party, accordingly, the issue in hand is hereby decided in positive.

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SYED NAZIR
16/11/2024
Tehsil Courts KARACHI

Issue No. 01 & 03:

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

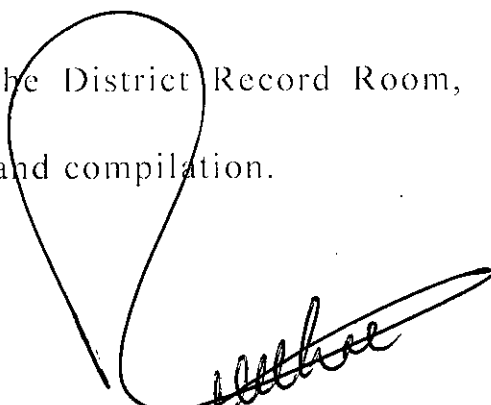
As sequel to my findings on issue No. 02 the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Thus, both these issues are decided in positive.

RELIEF:

As sequel to my above issue wise findings, the suit of the plaintiff is hereby **decreed** as prayed for. No order as to costs.

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

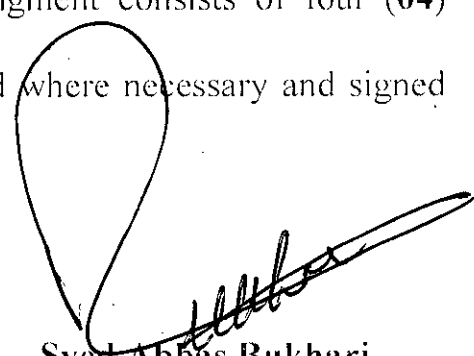
Announced
19.04.2023



Syed Abbas Bukhari
Civil Judge-II,
Tehsil Court, Kalaya, Orakzai

CERTIFICATE

Certified that this judgment consists of four (04) pages, each has been checked, corrected where necessary and signed by me.



Syed Abbas Bukhari
Civil Judge-II,
Tehsil Court, Kalaya, Orakzai