

IN THE COURT OF REHMAT ULLAH WAZIR,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 110/1 of 2022
Date of Institution: 18.12.2022
Date of Decision: 28.04.2023

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1. **Razim Badshah s/o Badshah Khan R/O Qoum Akhel,
Tappa Dalak Nawasi, District Orakzai**

(Plaintiff)

VERSUS

1. **Director General NADRA, Islamabad, Pakistan.**
2. **Deputy Director NADRA, KPK, Peshawar.**
3. **District Registration Officer, Orakzai**

(Defendants)

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

JUDGEMENT:

1. Plaintiff Razim Badshah has brought the instant suit for declaration-cum-permanent and mandatory injunction against the defendants to the effect that his correct date of birth is 01.09.1968 according to his Service Book record of Police, Medical Certificate and Office Order whereas, defendants have wrongly entered the same as 01.01.1980 in his CNIC instead of 01.09.1968, which is wrong, ineffective upon the rights of the plaintiff and is liable to correction. That the defendants were asked time and again for correction of date of birth of the plaintiff but they refused to do so, hence, the present suit;

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2. Defendants were summoned, who appeared before the court through their representative and contested the suit by filing their written statement.

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 plaintiff is estopped to sue?*
3. *Whether the correct date of birth of the plaintiff is 01.09.1968, whereas, the defendants have wrongly mentioned the same as 01.01.1980 in his CNIC?*
4. *Whether the plaintiff is entitled to the decree as prayed for?*
5. *Relief?*

Parties were given an opportunity to produce evidence which they did accordingly.


Issue wise findings of this court are as under: -

Issue No. 02:

The defendants in their written statement raised the objection that the plaintiff is estopped to sue but later on failed to prove the same, hence, the issue is decided in negative.

Issue No. 03:

The plaintiff alleged in his plaint that his correct


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date of birth is 01.09.1968 according to his Service Book record of police, Medical Certificate and Office Order whereas, defendants have wrongly entered the same as 01.01.1980 in his CNIC instead of 01.09.1968, which is wrong, ineffective upon the rights of the plaintiff and is liable to correction. That the defendants were asked time and again for correction of date of birth of the plaintiff but they refused to do so, hence, the present suit;

Plaintiff in support of his contention produced witnesses, in whom the one Meena Jan s/o Badshah Khan, elder brother of the plaintiff, appeared as PW-01, who supported the stance of the plaintiff by narrating the same story as in the plaint and produced his CNIC which is Ex.PW-1/1. Further, Niaz Bahadur s/o Jan Badshah, paternal cousin of the plaintiff, appeared as PW-02 and supported the stance of the plaintiff by narrating the same story as in the plaint and produced his CNIC which is Ex.PW-2/1. Further, Atif Ullah, Record Keeper of police department, appeared as PW-03 who produced the Service Book, consisting of 08 pages, Officer Order and Medical Certificate of the plaintiff, the copies of which are Ex.PW-3/1 to Ex.PW-3/3 respectively and according to these documents, the date of birth of the

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plaintiff is 01.09.1968. Further, Razim Badshah, the plaintiff himself, appeared as PW-04, who narrated the same story as in the plaint. All these witnesses have been cross-examined but nothing tangible has been extracted out of them during cross-examination.

The defendants produced only one witness as the record keeper of NADRA, Orakzai appeared as DW-01, who produced the Family Tree and Processing Form of the plaintiff, which are Ex.DW-1/1 and Ex.DW-1/2 respectively. He further denied the claim of the plaintiff as in the written statement but admitted in his cross examination according to Ex.PW-3/2, the date of birth of the plaintiff is 01.09.1968. He further admitted that there is no birth certificate of the plaintiff available in the record of the defendants and plaintiff is serving in police department, Orakzai.

Arguments heard and record perused.

After hearing of arguments and perusal of record I am of the opinion that the plaintiff established his case through oral and documentary evidence. Also, the plaintiff is not changing his date of birth in his service record which would have been against the terms and conditions of service and which might have affected the rights of any third person.

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Also the defendants have not produced any solid piece of evidence to counter the claim of the plaintiff; therefore, the 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 got a cause of action and therefore, entitled to the decree as prayed for. 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 with costs.**

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

Announced
28.04.2023


(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)