

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

Civil Suit No. 27/1 of 2023
Date of Original Institution: 18.03.2023
Date of Decision: 18.04.2023

- 1. Mazar Shah S/O Jalat Khan and
- 2. Mst: Baloch Bibi W/O Mazar Shah, both residents of Qaum Sheikhan, Tapa Umarzai, Tehsil Central, District: Orakzai.

.....(Plaintiffs)

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

Syed Abbas Bukhari
 CIVIL JUDGE-II
 TEHSIL COURT, KALAYA
 ORAKZAI
 18/04/2023

1. Brief facts of the case in hand are that the plaintiffs have brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct dates of birth of plaintiff no. 1 is **01.01.1966** and that of plaintiff no. 2 is **01.01.1967**, while defendants have wrongly entered the same as 1972 and 01.01.1972 respectively in their record, which are wrong, ineffective upon the right of the plaintiffs 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 dates of birth of plaintiff no. 1 and plaintiff no. 2 are **1966** and **1967** respectively while same has been incorrectly entered in the record of defendants as 1972 and 01.01.1972 respectively? OPP
3. Whether the plaintiffs are entitled to the decree as prayed for?
4. Relief?

Issue wise findings of this court are as under: -

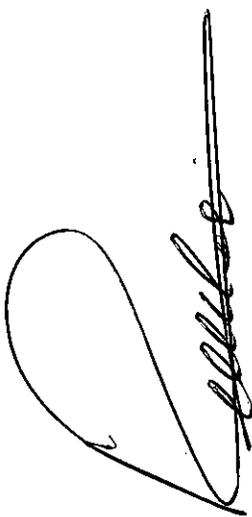
Issue No. 02:

The plaintiffs alleged in their plaint that correct dates of birth of plaintiff no. 1 is **01.01.1966** and plaintiff no. 2 is **01.01.1967**, while defendants have wrongly entered the same as 1972 and 01.01.1972 in their record which are wrong, ineffective upon the right of plaintiffs and liable to be corrected.

The plaintiff produced witnesses in whom Mazar Shah, the plaintiff no. 1 himself, appeared as PW-01.

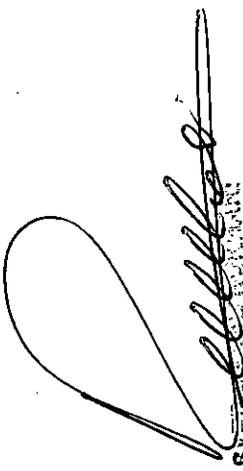
He stated that his correct date of birth is 01.01.1966 whereas defendants have wrongly entered the same as 1972, due to which there exist an unnatural gap of 12 years with his elder son namely Muhammad Din, whose date of birth is 1984. Copy of his CNIC is Ex. PW-1/1. During cross examination nothing tangible has been extracted out of him.

Mst: Baloch Bibi W/O Mazar Shah, plaintiff no. 2 herself appeared as PW-02. She stated that her correct date of birth is 01.01.1967 while defendants have wrongly entered the same as 1972, due to which there exist an unnatural gap of 12 years with her elder son namely Muhammad Din, whose date of birth is 1984. Her CNIC is Ex. PW-2/1. During cross examination nothing tangible has been extracted out of him.


SYED AHMED ALI
DIN
Tehsil Gurekhal
District Gurekhal
Tehsil Gurekhal
District Gurekhal

Mr. Muhammad Din S/O Mazar Shah, the son of plaintiffs, appeared and deposed as PW-03. He supported the stance of plaintiffs as narrated in the plaint. During cross examination he stated that he is illiterate and it is correct that I had made passport. He further stated that his date of birth in CNIC and Passport is correct while on the other hand his parent's dates of birth are incorrect due to which there exist an unnatural gap of 12 years between his date of birth and that of his parents.

In order to counter the claim of the plaintiffs, defendants produced only one witness, the representative of the defendants who appeared as DW-01. He produced Beta Family Tree of plaintiffs which is Ex. DW-1/1. He stated that on the available record the correct dates of birth of plaintiffs are 1972. He lastly requested for dismissal of the suit. During cross examination he admitted that according to NADRA SOPs there must be difference of 17-18 years between the age of parents and their children and there exist 12 years unnatural gap between plaintiffs and their son.


 SYED MUHAMMAD HANIF
 CIVIL JUDGE (Jr)
 Tehsil Court, KARAKORA

In light of the above evidence produced by plaintiffs to prove the issue in hand it has been noticed that plaintiffs produced evidence in light and support of their previous stance alleged in the plaint and furthermore nothing in rebuttal has been brought on record by the opposite party. Furthermore it is also pertinent to mention here that there exist an unnatural gap of 12 years between age of plaintiffs and their elder son. Moreover this fact has also been admitted by DW-01 in his cross examination and he had further stated that as per NADRA SOP the minimum age difference between parents and their children must be 17/18 years while in present case it is only 12 years. The age difference between the age of plaintiffs and their elder

son namely Muhammad Din is against the order of nature and impossible.

In light of above discussion as plaintiffs succeeded to prove the issue in hand through cogent, convincing and reliable evidence, accordingly issue in hand is hereby decided in positive in favor of plaintiffs and against the defendants.

Issue No. 01 & 03:

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

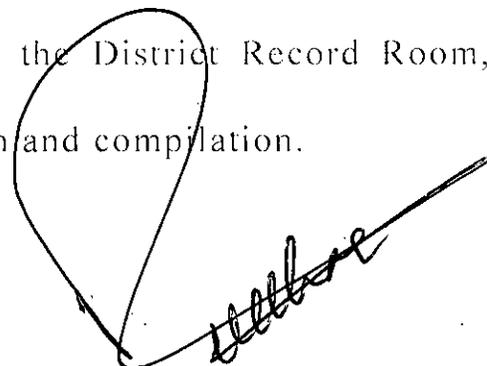
As sequel to my findings on issue No. 02 the plaintiffs have got a cause of action and therefore entitled to the decree as prayed for. Thus, both these issues are decided in positive.

RELIEF:

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

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

Announced
18.04.2023



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