

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

Civil Suit No. 222/1 of 2019
Date of Institution: 12/12/2019
Date of Decision: 10/07/2020

Muhammad Kareem Khan s/o Badshah Meer

Resident of Star Sam Section Mani Khel Sub Section Sabzi Khel Khel, PO Kalaya,
Tehsil lower & District Orakzai..... (Plaintiff)

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VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA Hayatabad KP.**
3. **Assistant Director, Registration NADRA District Orakzai.**

(Defendants)

SUIT FOR DECLARATION, PERMANENT & MANDATORY INJUNCTION

JUDGEMENT:

Brief facts of case in hand are that the plaintiff, **Muhammad Kareem Khan s/o Badshah Meer**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that his correct date of birth is "24.04.1995" while defendants have wrongly mentioned the same in their record as "01.01.1990" in their record, which is incorrect and liable to be corrected. Hence, the present suit.

Defendants were summoned, who appeared through attorney namely Syed Farhat Abbas and submitted written statement, wherein they contested the suit of plaintiff on various grounds.

Divergent pleadings of the parties were reduced into the following issues;

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela

10.7.2020

Issues:

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1. Whether plaintiff has got cause of action?
 2. Whether the correct date of birth of the plaintiff is "24.04.1995" while defendants have wrongly mentioned the same as 01.01.1990 in their record?
 3. Whether plaintiff is entitled to the decree as prayed for?
 4. Relief.

5. Parties were provided opportunity to produce evidence in support of their respective contention, which they did. Plaintiff produced his witnesses as PW-1 to PW-4.

6. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the record form of plaintiff and exhibited the same as Ex. DW-1/1.

After conclusion of the evidence arguments pro and contra heard. Case file is gone through.

8. My issues wise findings are as under:

Issue No.02:

Plaintiff contended in his plaint that his correct date of birth is "24.04.1995" but inadvertently the same was erroneously recorded as 01.01.1990 in NADRA record. Hence, the record is liable to be corrected.

Plaintiff in support of his contention has appeared as PW-1 and he repeated the contents of plaint in his examination in chief. He also produced his CNIC as Ex.PW-1/1, while PW-2, who is real brother of plaintiff stated in his examination in chief that correct date of birth of the plaintiff is "24.04.1995".

He produced and exhibited his CNIC as Ex.PW-2/1. PW-3, Tafseer Ali, who is close relative of the plaintiff also supported the contention of the plaintiff. He produced and exhibited his CNIC as Ex.PW-3/1. Mukarram Khan appeared as PW-4 who is the Head Teacher of Government Primary School Star Sam Lower Orakzai, and produced the school record of the plaintiff which is exhibited as Ex.PW-4/1. PW-1 to PW-4 were subjected to cross examination but nothing substantial was brought on record which could have shattered their testimony rather they remained consistent regarding the facts uttered by them in their examination in chief. Their testimony is also corroborated by the school record of plaintiff produced by PW-4 exhibited as Ex.PW-4/1, wherein, the date of birth of plaintiff has been recorded as 24.04.1995. So, the oral and documentary evidence produced by the plaintiff clearly establishing that the correct date of birth of the plaintiff is **24.04.1995**. The incorporation of date of birth of the plaintiff as 01.01.1990 in the record of NADRA appears to be a mistake. Hence, the issue No. 2 is decided in positive.

Issue No. 01 & 03:

These issues are taken together. For what has been held in issue No. 2, this court is of the opinion that plaintiff has got cause of action and he is entitled to the decree as prayed for.

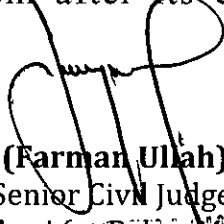
The issues are decided in positive.

Relief:

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Consequently, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct their record by incorporating the date of birth of the plaintiff as **24.04.1995** in their record. Parties are left to bear their own costs.

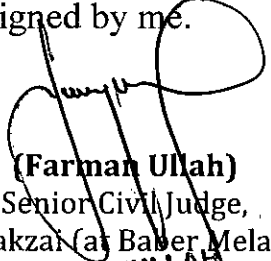
9. File be consigned to the record room after its completion and compilation.

Announced
10/07/2020


(Farman Ullah)
Senior Civil Judge,
Orakzai (at Baber Mela).
Senior Civil Judge
Orakzai at Baber Mela

CERTIFICATE

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


(Farman Ullah)
Senior Civil Judge,
Orakzai (at Baber Mela).
FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela