

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



Civil Suit No. 258/1 of 2019  
Date of Institution: 10/02/2020  
Date of Decision: 15/07/2020

**Muhammad Raza s/o Sarwan Ali**

Resident of Tarrangi Section Bar Muhammad Khel Sub Section Khwaidad Khel, PO Kalaya, Tehsil lower & District Orakzai..... (Plaintiff)

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 Raza s/o Sarwan Ali**, 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 **25.04.2003** while defendants have wrongly mentioned the same in their record as 08.06.2008, 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  
15.7.2020

Issues:

- 30
1. Whether plaintiff has got cause of action?
  2. Whether the correct date of birth of the plaintiff is "25.04.2003" while defendants have wrongly mentioned the same as 08.06.2008 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-3.

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 25.04.2003 but inadvertently the same was erroneously recorded as 08.06.2008 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 Form-B as Ex.PW-1/1, matric certificate and DMC as Ex.PW-1/2 and Ex.PW-1/3, while PW-2, Mohsin Ali, who is real brother of plaintiff stated in his

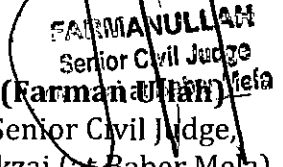


32

record by incorporating the date of birth of the plaintiff as **25.04.2003** in their record. Parties are left to bear their own costs.

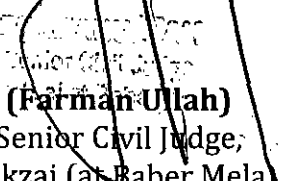
9. File be consigned to the record room after its completion and compilation.

**Announced**  
15/07/2020

  
FARMANULLAH  
Senior Civil Judge  
(Farman Ullah) Jela  
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.

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