

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

Civil Suit No. 252/1 of 2020  
Date of Institution: 25/01/2020  
Date of Decision: 27/07/2020

**Asad Ayaz s/o Gulab Gul**

Section Shekhan Sub Section Bazid Khel, PO Mishti Mela, Tehsil central & 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:**

27.07.2020

Brief facts of case in hand are that the plaintiff, **Ayaz Khan s/o Gulab Gul**, 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 **01.01.1996** while defendants have wrongly mentioned the same in their record as **01.01.1990**, 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;

**Asad Ayaz vs NADRA**

**Issues:**

1. Whether plaintiff has got cause of action?
2. Whether the correct date of birth of the plaintiff is “**01.01.1996**” 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 and PW-2.
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.

My issues wise findings are as under:

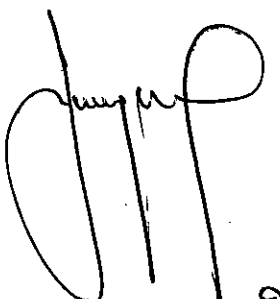
**Issue No.02:**

Plaintiff contended in his plaint that his correct date of birth is **01.01.1996** 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 Matric DMC as Ex.PW-1/2 and F.A Certificate as Ex.PW-1/4, while PW-2, Gulab Gul, who is real father of plaintiff stated in his examination in chief that

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 Senior Civil Judge  
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correct date of birth of the plaintiff is **01.01.1996**. PW-1 and PW-2 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 Matric DMC and F.A certificate of plaintiff produced by PW-1 as Ex.PW-1/2 and Ex.PW-1/4 wherein, the date of birth of plaintiff has been recorded as **01.01.1996**. So, the oral and documentary evidence produced by the plaintiff clearly establishing that the correct date of birth of the plaintiff is **01.01.1996**. 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.

  
97.7.2020  
Senior Civil Judge  
Orakzai of Baber

**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:**

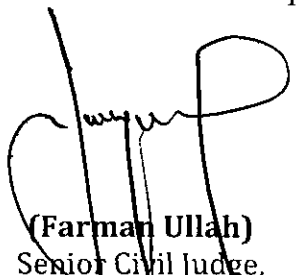
Consequently, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct their record by incorporating the date of birth of the plaintiff as

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01.01.1996 in their record. Parties are left to bear their own costs.

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

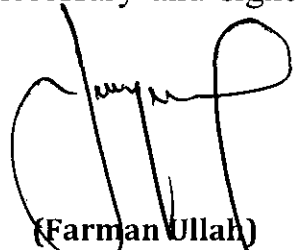
**Announced**  
27/07/2020

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

FARMANULLAH  
Senior Civil Judge  
Orakzai at Baber Mela

**CERTIFICATE**

Certified that this judgment of mine consists of 04 (four) pages, each page 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