

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

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Civil Suit No. 244/1 of 2020
Date of Institution: 21/01/2020
Date of Decision: 03/09/2020

Abdullah s/o Fazal Ameen

Section Mishti Sub Section Darvi 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:

03.09.2020

Brief facts of case in hand are that the plaintiff, **Abdullah s/o Fazal Ameen**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that his correct name is **Abdullah** and correct date of birth is **02.04.2002** while defendants have wrongly mentioned his name as **Abdullah Khan** and date of birth as **01.01.1996** in their record, which are 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.

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Senior Civil Judge
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Divergent pleadings of the parties were reduced into the following issues;

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Issues:

1. Whether plaintiff has got cause of action?
2. Whether the correct name of the plaintiff is "**Abdullah**" and correct date of birth is "**02.04.2002**" while defendants have wrongly mentioned his name as "**Abdullah Khan**" and date of birth as "**01.01.1996**" 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. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the registration record of the plaintiff and exhibited the same as Ex. DW-1/1 to Ex. DW-1/3.
7. 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 name is **Abdullah** and correct date of birth is **02.04.2002** but inadvertently the same were erroneously recorded as **Abdullah Khan** and **01.01.1996** in NADRA record. Hence, the record is liable to be corrected.

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Sector Civil Judge
Oral/2 at Baber Mela

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, School Certificate as Ex.PW-1/3 and Domicile certificate as Ex.PW-1/4. PW-2, Ahmad Ullah, who is elder brother of plaintiff stated in his examination in chief that correct name of the plaintiff is **Abdullah** and date of birth of the plaintiff is **02.04.2002**. PW-3 Gul Ameen, who is uncle of the plaintiff, also supported the contention of the plaintiff. PW-1 to PW-3 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, School certificate and Domicile Certificate of plaintiff produced by PW-1 as Ex.PW-1/2 to Ex.PW-1/4 wherein, the name of the plaintiff has been recorded as **Abdullah** and date of birth as **02.04.2002**. So, the oral and documentary evidence produced by the plaintiff clearly establishing that the correct name of the plaintiff is **Abdullah** and correct date of birth is **02.04.2002**. The incorporation of name of the plaintiff as **Abdullah Khan** and date of birth as **01.01.1996** in the record of NADRA appears to be a mistake. Hence, the issue No. 2 is decided in positive.

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Issue No. 01 & 03:

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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.

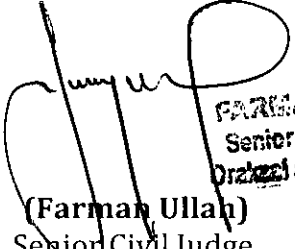
The issues are decided in positive.

Relief:

Consequently, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct their record by incorporating the name of the plaintiff as **Abdullah** and date of birth as **02.04.2002** in their record. Parties are left to bear their own costs.

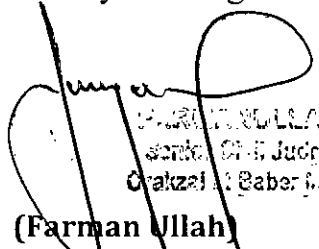
9. File be consigned to the record room after its completion and compilation.

Announced
03/09/2020


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


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