

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

Civil Suit No. 311/1 of 2020
 Date of Institution: 09/07/2020
 Date of Decision: 15/10/2020

Nazim Ali s/o Zigham Ali

Section Bar Muhammad Khel Sub Section Abdul Aziz Khel, PO Mira Zai, 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:

15.10.2020

Brief facts of case in hand are that the plaintiff, **Nazim Ali s/o Zigham 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 **02.02.1985** while defendants have wrongly mentioned the same in their record as **01.01.1982**, 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;

Nazim Ali vs NADRA

Issues:

1. Whether plaintiff has got cause of action?
2. Whether the correct date of birth of the plaintiff is "02.02.1985" while defendants have wrongly mentioned the same as 01.01.1982 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-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 02.02.1985 but inadvertently the same was erroneously recorded as 01.01.1982 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 school record as 5th class certificate as Ex.PW-1/2. PW-2, Ishtiaq Ali, who is maternal uncle of plaintiff stated in his examination in chief that correct

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date of birth of the plaintiff is **02.02.1985**. PW-3, Gul Fida Jan, who is mother of plaintiff stated in her examination in chief that correct date of birth of the plaintiff is **02.02.1985**. PW-4, Naib Khan Khurram, who is SST teacher of Government High School, stated in his examination in chief that correct date of birth of the plaintiff according to school record is **02.02.1985**. He produced the school record of the plaintiff as Ex.PW-4/1. PW-1 and 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 and primary school certificate of plaintiff produced by PW-1 and PW-4 as Ex.PW-1/2 and Ex.PW-4/1 wherein, the date of birth of plaintiff has been recorded as **02.02.1985**. So, the oral and documentary evidence produced by the plaintiff clearly establishing that the correct date of birth of the plaintiff is **02.02.1985**. The incorporation of date of birth of the plaintiff as **01.01.1982** 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:

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 **02.02.1985** 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
15/10/2020

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(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).