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

Civil Suit No. 318/1 of 2020
Date of Institution: 11/07/2020
Date of Decision: 02/12/2020

Ashraf Ali s/o Said Nabi

Section Bar Muhammad Khel, Sub Section Khwaidad Khel, P/O Kurez, Tehsil Lower Orakzai & 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:

02.12.2020

Brief facts of case in hand are that the plaintiff, **Ashraf Ali s/o Said Nabi**, 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 **25.02.1962** while defendants have wrongly mentioned the same as **11.01.1982** 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.

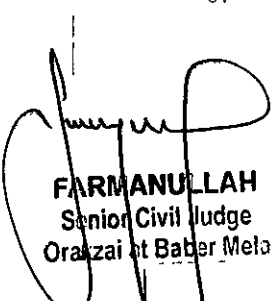
Ashraf Ali vs NADRA

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

Issues:

1. Whether plaintiff has got cause of action?
2. Whether the correct date of birth of the plaintiff is **25.02.1962** while defendants have wrongly mentioned the same as **11.01.1982** 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 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 while other documents as Ex.DW-1/2 and Ex.DW-1/3.


FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
02.12.2020

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 **25.02.1962** but inadvertently the same was erroneously recorded as **11.01.1982** 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

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in chief. He also produced his Service record as Ex.PW-1/1 to Ex.PW-1/2 and manual ID card as Ex.PW-1/4, while PW-2, Sher Jan Ali, who is brother-in-law of plaintiff stated in his examination in chief that correct date of birth of the plaintiff is **25.02.1962**. PW-3, Syed Ghulam, who is maternal 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 Service record of plaintiff produced by PW-1 as Ex.PW-1/1 and Ex.PW-1/2, wherein, the date of birth of plaintiff has been recorded as **25.02.1962**. Moreover, the manual ID of plaintiff ExDW1/4, which was issued in year 1994 also reflects that his date of birth in the same card was also recorded as 25.02.1962. The service record of plaintiff Ex. PW-1/1 and Ex. PW-1/2 also depict that plaintiff was appointed as sepoy in year 1980 and retired in year 1995, which facts further support the contention of plaintiff and negates his date of birth as 11.01.1982 recorded in his CNIC. So, the oral and documentary evidence produced by the plaintiff clearly establishing that the correct date of birth of the plaintiff is **25.02.1962**. The incorporation of date of birth of the plaintiff as **11.01.1982** in the record of NADRA appears to be a mistake. Hence, the issue No. 3 is decided in positive.

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Senior Civil Judge
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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 and defendants are directed to correct the date of birth of the plaintiff as **25.02.1962**. Parties are left to bear their own costs.

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

Announced
02/12/2020

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

CERTIFICATE

Certified that this judgment of mine including this page 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).