

IN THE COURT OF SYED ABBAS BUKHARI,
CIVIL JUDGE-II, TEHSIL COURTS, KALAYA, ORAKZAI

Civil Suit No. 37/1 of 2023
Date of Original Institution: 22.05.2023
Date of Decision: 20.06.2023

1. Mst. Muntajaba D/O Safeer Ali and
2. Mst. Kazmeena Jan W/O Safeer Ali, both residents of
Qaum Bar Muhammad Khel, Tappa Khuaidad Khel, Panzarey,
Tehsil Lower, District: Orakzai.

.....(Plaintiffs)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director General NADRA, Peshawar.**
3. **Assistant Director, NADRA District Orakzai.**

.....(Defendants)

Syed Abbas Bukhari
20-06-2023
Tehsil Kalaya

**SUIT FOR DECLARATION -CUM- PERPETUAL AND
MANDATORY INJUNCTION**

JUDGMENT

1. Brief facts of the case in hand are that the plaintiffs have brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct dates of birth of plaintiff no. 1 is **01.01.1998** and that of plaintiff no. 2 is **01.01.1975**, while defendants have wrongly entered the same as 01.10.1993 and 01.01.1980 respectively in their record, which are wrong, ineffective upon the right of the plaintiffs and liable to correction. That the defendants were asked time and again to do the

aforesaid correction but they refused, hence, the present suit;

2. Defendants were summoned, they appeared through their representative and filed written statement whereby they objected the suit on factual and legal grounds.
3. Divergent pleadings of the parties were reduced into the following issues;

Issues:

1. Whether the plaintiffs have got a cause of action? OPP
2. Whether the correct dates of birth of plaintiff no. 1 and plaintiff no. 2 are **01.01.1998** and **01.01.1975** respectively while same has been incorrectly entered in the record of defendants as 01.10.1993 and 01.01.1980 respectively? OPP
3. Whether the plaintiffs are entitled to the decree as prayed for?
4. Relief?

Issue wise findings of this court are as under: -

Issue No. 02:

Whether the correct dates of birth of plaintiff no. 1 and plaintiff no. 2 are 01.01.1998 and 01.01.1975 respectively while same has been incorrectly entered in the record of defendants as 01.10.1993 and 01.01.1980 respectively? OPP

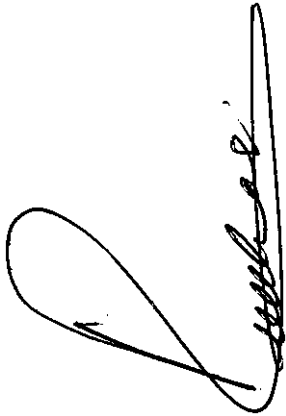
The plaintiffs alleged in their plaint that correct dates of birth of plaintiff no. 1 and plaintiff no. 2 are **01.01.1998** and **01.01.1975** respectively, while

Signature

SYED SPAAS BIKHAR
Civil Judge/M-1
Tehsil Courts Raiway

defendants have wrongly entered the same as 01.10.1993 and 01.01.1980 respectively in their record which are wrong, ineffective upon the right of plaintiffs and liable to be corrected.

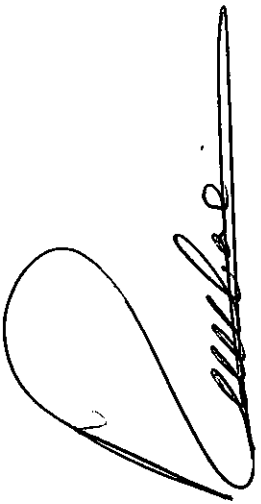
The plaintiff produced witnesses in whom Muhammad Ali, attorney for the plaintiffs appeared as PW-01. He produced power of attorney and his CNIC which are Ex. PW-1/1 & Ex. PW-1/2 respectively. He stated that correct dates of birth of plaintiff no. 1 and plaintiff no. 2 are **01.01.1998** and **01.01.1975** respectively, while defendants have wrongly entered the same as 01.10.1993 and 01.01.1980 respectively, due to which there exist an unnatural gap of 13 years between plaintiff no. 1 and plaintiff no. 2 which is against order of nature and against SOP of NADRA. He further stated that plaintiff no. 2 date of birth in defendants record is 01.01.1980 and date of birth of her sister namely Shahiran is 20.04.1995, due to which there exist an unnatural gap of 15 years with her sister. He further produced copies of CNICs of plaintiff no. 1 and plaintiff no. 2 which are Ex. PW-1/3 and Ex. PW-1/4 respectively. He lastly requested for decree of the suit. During cross examination he stated that plaintiff no. 1 is illiterate lady and her father's date of birth is



SYED GHULAM MURTAZA
Civil Judge (Muz) I
Tehsil Gujranwala
2023

15.10.1978, due to which there exist 15 years unnatural gap between plaintiff no. 1 and her father. He further stated in his cross examination that the father of plaintiff no. 1 was retired from FC.

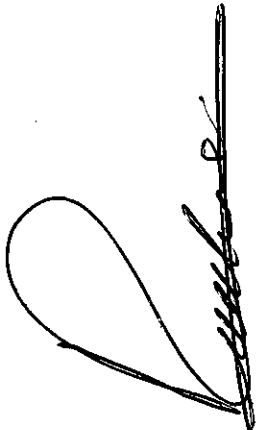
In order to counter the claim of the plaintiffs, defendants produced only one witness, the representative of the defendants, who appeared as DW-01. He produced Family Tree of plaintiffs which is Ex. DW-1/1 and according to that dates of birth of plaintiff no. 1 and plaintiff no. 2 are 01.10.1993 and 01.01.1980 respectively. He further stated that date of birth of plaintiff no. 1 father is 15.10.1978 and date of birth of plaintiff no. 1 sister namely Shahiran is 20.04.1995. During cross examination he admitted that according to NADRA SOPs there must be difference of 17-18 years between the age of parents and their children. It is correct that there exist an unnatural gap between plaintiff no. 1 and plaintiff no. 2 and it is further correct that plaintiff no. 1 has an unnatural gap with her father.


SYED AGA ABUSAMIR
Civil Judge/Judicial Officer
Tehsil Courts Kalaya

In light of the above evidence produced by plaintiffs to prove the issue in hand it has been noticed that plaintiffs produced evidence in light and support of their previous stance alleged in the plaint and furthermore nothing in rebuttal has been brought

28

on record by the opposite party. Furthermore it is also pertinent to mention here that there exist an unnatural gap of 13 years between ages of plaintiff no. 1 and plaintiff no. 2. Moreover this fact has also been admitted by DW-01 in his cross examination that as per NADRA SOP the minimum age difference between parents and their children must be 17/18 years while in present case it is 13 years. The age difference between the ages of plaintiff no. 1 and plaintiff no. 2 is against the order of nature.


SYED DARAB GHAFFAR
Civil Judge (II)
Tehsil Courts Malaya

In light of above discussion as plaintiffs succeeded to prove the issue in hand through cogent, convincing and reliable evidence, accordingly issue in hand is hereby decided in positive in favor of plaintiffs and against the defendants.

Issue No. 01 & 03:

**Whether the plaintiffs have got a cause of action? OPP
Whether the plaintiffs are entitled to the decree as prayed for?**

Both these issues are interlinked, hence, taken together for discussion.

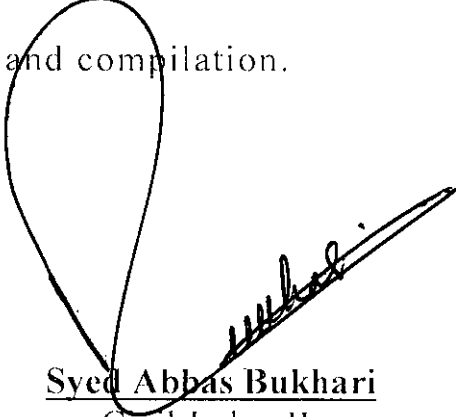
As sequel to my findings on issue No. 02 the plaintiffs have got a cause of action and therefore entitled to the decree as prayed for. Thus, both these issues are decided in positive.

RELIEF:

As sequel to my above issue wise findings, the suit of the plaintiffs are hereby **decreed** for the relief as prayed for. No order as to costs.

File be consigned to the District Record Room, Orakzai after its completion and compilation.

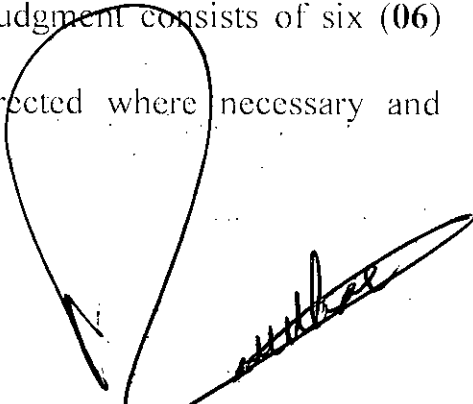
Announced
20.06.2023



Syed Abbas Bukhari
Civil Judge-II,
Tehsil Court, Kalaya, Orakzai

CERTIFICATE

Certified that this judgment consists of six (06) pages, each has been checked, corrected where necessary and signed by me.



Syed Abbas Bukhari
Civil Judge-II,
Tehsil Court, Kalaya, Orakzai