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

Civil Suit No. 319/1 of 2019
Date of Institution: 11/07/2020
Date of Decision: 05/01/2020

Shareefa Jan w/o Ilyas Khan

Resident of Behrom Zona Section Mishti Sub Section Haider 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:

Brief facts of case in hand are that the plaintiff, **Shareefa Jan w/o Ilyas Khan**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that her correct date of birth is **01.01.1979** while defendants have wrongly mentioned the same in their record as 01.01.1985, 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.

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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 "01.01.1979" while defendants have wrongly mentioned the same as 01.01.1985 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 her 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 of plaintiff and exhibited the same as Ex. DW-1/1 to 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 her plaint that her correct date of birth is 01.01.1979 but inadvertently the same was erroneously recorded as 01.01.1985 in NADRA record. Hence, the record is liable to be corrected.

Plaintiff in support of her contention produced her attorney as PW-1, who repeated the contents of plaint in his examination in chief. He also produced the Matric Certificate

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of Humaira Ilyas (Plaintiff's daughter) as Ex.PW-1/3, Matric DMC as Ex.PW-1/4 and CNIC of plaintiff as Ex.PW-1/5. PW-2, Jamil Khan, who is real brother of plaintiff stated in his examination in chief that correct date of birth of the plaintiff is **01.01.1979** while Humaira is her daughter and the gap between age of plaintiff and her daughter is 12 years, which is unnatural. PW-3, Taza Gul, who is maternal uncle of the plaintiff also supported the contention of the plaintiff by stating in his examination in chief that correct date of birth of ~~birth~~ of the plaintiff is 01.01.1979 but the same has been wrongly mentioned in her CNIC as 01.01.1985 as result of which there is unnatural gap in age of plaintiff and her daughter. He produced and exhibited his CNIC as Ex.PW-3/1. 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 certificate and Matric DMC of plaintiff's daughter produced by PW-1 as Ex.PW-1/3 and 1/4, wherein, the date of birth of Humaira Ilyas has been recorded as **20.04.1997** while the plaintiff's date of birth as per NADRA record is **01.01.1985**, which shows that the age gap between the plaintiff and her elder daughter is only 12 year. The said difference in age of mother and daughter is unnatural and the same is not appealable to any prudent mind.

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05.01.2021

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This factum is admitted by the attorney of the defendants at the time of arguments and is also clear from Family Tree of plaintiff produced by defendants as Ex. DW-1/3. So, the oral and documentary evidence produced by the plaintiff clearly establishing that the correct date of birth of the plaintiff is **01.01.1979**. The incorporation of date of birth of the plaintiff as 01.01.1985 in the record of NADRA appears to be a mistake. Hence, the issue No. 2 is decided in positive.

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 she is entitled to the decree as prayed for.

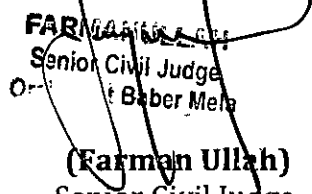
The issues are decided in positive.

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 **01.01.1979** 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
05/01/2021


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

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CERTIFICATE

Certified that this judgment of mine consists **05** (five) pages (including this page), each 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).