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

Civil Suit No. 310/1 of 2020
Date of Institution: 04/07/2020
Date of Decision: 06/01/2021

Isar Gul s/o Gulraz Gul

Resident of Shalzara 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:

06.01.2021

Brief facts of the case in hand are that the plaintiff, **Isar Gul s/o Gulraz Gul**, 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 **10.02.1975** while defendants have wrongly mentioned the same in their record as 10.02.1982, 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.

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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 "10.02.1975" while defendants have wrongly mentioned the same as 10.02.1982 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 of plaintiff and exhibited the same as Ex. DW-1/1 to DW-1/4.
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 date of birth is 10.02.1975 but inadvertently the same was recorded as 10.02.1982 in NADRA record. Hence, the record is liable to be corrected.

Plaintiff in support of his contention appeared as PW-1, who repeated the contents of plaint in his examination in chief and stated before the court that his correct date of birth is

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10.02.1975 but the same has been wrongly mentioned in his CNIC as 10.02.1982 as result of which there is unnatural gap in age of plaintiff and his elder son. He also produced the CNIC of his elder son namely Muhammad Saleem as Ex.PW-1/2. PW-2, Riayat Khan, who is relative of plaintiff stated in his examination in chief that correct date of birth of the plaintiff is 10.02.1975. He produced and exhibited his CNIC as Ex.PW-2/1. PW-3, Alam Jan, who is neighbor of the plaintiff also supported the contention of the plaintiff by stating in his examination in chief that correct date of birth of the plaintiff is 10.02.1975. He produced and exhibited his CNIC as Ex.PW-3/1.

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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 CNIC of plaintiff's elder son produced by PW-1 as Ex.PW-1/2, wherein, the date of birth of Muhammad Saleem (Plaintiff's elder son) has been recorded as 01.01.1995 while the plaintiff's date of birth as per NADRA record is 10.02.1982, which shows that the age gap between the plaintiff and his elder son is only 13 years. The said difference in age of father and son is unnatural and the same is not appealable to any prudent mind. 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-1/2. So, the oral and documentary evidence produced by the plaintiff clearly establishing that the correct date of birth of the plaintiff is **10.02.1975**. The incorporation of date of birth of the plaintiff as 10.02.1982 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 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 **10.02.1975** in their record. Parties are left to bear their own costs.

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

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

Announced
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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.

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(Farman Ullah)
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Orakzai (at Baber Mela).