

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

Civil Suit No. 365/1 of 2020
Date of Institution: 04/12/2020
Date of Decision: 20/01/2021

1. **Haseena Naz d/o Said Ali**
2. **Tehreen Begum d/o Said Ali**

Section Ali Khel, Sub Section Mirwas Khel, PO Ghiljo, Tehsil Upper & District Orakzai..... (Plaintiffs)

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:

20.01.2021

Brief facts of case in hand are that the plaintiffs, **Haseena Naaz** and **Tehreen Begum** daughters of **Said Ali**, have brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that correct date of birth of Haseena Naz (Plaintiff No.1) is **03.01.2004** while defendants have wrongly mentioned the same in their record as **01.04.1997** and correct date of birth of Tehreen Begum (Plaintiff No.2) is **02.01.2005** while defendants have wrongly mentioned the same in their record as **08.04.1999** which is incorrect and liable to be corrected. That defendants were repeatedly asked to correct their record but they refused. Hence, the present suit.

Defendants were summoned, who appeared through representative namely Syed Farhat Abbas and submitted written

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statement, wherein they contested the suit of plaintiffs on various grounds.

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

Issues:

1. Whether plaintiffs have got cause of action?
2. Whether the correct date of birth of the plaintiff No.1 is "03.01.2004" while defendants have wrongly mentioned the same as 01.04.1997 in their record?
3. Whether the correct date of birth of the plaintiff No.2 is "02.01.2005" while defendants have wrongly mentioned the same as 08.04.1999 in their record?
4. Whether plaintiffs are entitled to the decree as prayed for?
5. Relief.

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Senior Civil Judge
Ordnal at Baher Mela
 20-1-2021

6. Parties were provided opportunity to produce evidence in support of their respective contention, which they did. Plaintiffs produced their witnesses as PW-1 to PW-3 and also rely on their educational record.

7. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the family tree of plaintiffs and exhibited the same as Ex. DW-1/1.
8. After conclusion of the evidence arguments pro and contra heard. Case file is gone through.
9. My issues wise findings are as under:

Issue No.02 & 03:

These issues are taken together. Plaintiffs contended in their plaint that correct date of birth of the plaintiff No.1 (Haseena Naz) is 03.01.2004 and plaintiff No.2 is 02.01.2005

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but the same were erroneously recorded as **01.04.1997** and as **08.04.1999** respectively in Form-B of plaintiffs issued by NADRA. Hence, the record is liable to be corrected.

Plaintiffs in support of their contention produced three witnesses. PW-1, Said Nazar, attorney for the plaintiffs repeated the contents of plaint in his examination in chief. He produced the SSC DMCs of the plaintiff No.1 and exhibited the same as Ex.PW-1/4. Similarly, he produced the school leaving certificate of plaintiff No.2 and exhibited the same as Ex.PW-1/7. PW-2, Yousaf Khan, who is grandfather of the plaintiffs stated in his examination in chief that correct date of birth of the plaintiff No.1 is **03.01.2004** and plaintiff No.2 is **02.01.2005**. PW-3, Shoper Jan, who is real mother of the plaintiffs, stated in her examination in chief that both the plaintiffs are her real daughters and being a real mother, she knows very well about correct dates of birth of the plaintiffs. She supported the contention of the plaintiff and stated that correct date of birth of plaintiff No.1 is **03.01.2004** and plaintiff No.2 is **02.01.2005**. PW-1 and 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 SSC DMCs of plaintiff No.1 and school leaving certificate of plaintiff No.2 produced by PW-1 as Ex.PW-1/3, 1/4 and Ex.PW-1/7 wherein, the date of birth of plaintiff No.1 has been

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recorded as **03.01.2004** and date of birth of plaintiff No.2 as **02.01.2005**. Moreover, from the statements of PWs, it is evident that plaintiff No.2 and Sabahat Bushra are twin sisters. The family tree produced by DW-1 as Ex.DW-1/1 shows the date of birth of Sabahat Bushra as 02.01.2005, which further support the contention of plaintiffs. So, the oral and documentary evidence produced by the plaintiffs clearly establishing that the correct date of birth of the plaintiff No.1 is **03.01.2004** and plaintiff No.2 is **02.01.2005**. The incorporation of date of birth of the plaintiff No.1 as **01.04.1997** and plaintiff No.2 as **08.04.1999** in the record of NADRA appears to be a mistake. Hence, the issues are decided in positive.

FARMANULLAH
Senior Civil Judge
Orizai of Bahawal
20.1.2021

Issue No. 01 & 04:

These issues are taken together. For what has been held in issue No.2 and 3, this court is of the opinion that plaintiffs have got cause of action and they are entitled to the decree as prayed for.

The issues are decided in positive.

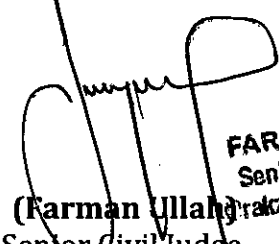
Relief:

Consequently, suit of the plaintiffs succeeds and is hereby decreed as prayed for. Defendants are directed to correct their record by incorporating the date of birth of the plaintiff No.1 as **03.01.2004** and plaintiff No.2 as **02.01.2005** in their record. Parties are left to bear their own costs.

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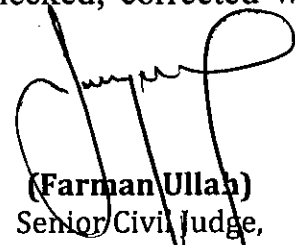
10. File be consigned to the record room after its completion and compilation.

Announced
20/01/2021


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

CERTIFICATE

Certified that this judgment of mine consists of 05 (five) pages also including this page, each page has been checked, corrected where necessary and signed by me.


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