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

Civil Suit No. 51/1 of 2023
Date of Original Institution: 13.07.2023
Date of Decision: 19.07.2023

1. **Mst. Saliha Jan wife of Ghulam Sher Ali,**
2. **Saidat Ali son of Ghulam Sher and**
3. **Adeeb Ali son of Ghulam Sher** all residents of Qoum Bar Muhammad Khel, Tappa Merazi Khel, Mario Mela District Orakzai.

.....(Plaintiffs)

VERSUS

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

.....(Defendants)

SUIT FOR DECLARATION -CUM- PERPETUAL AND MANDATORY INJUNCTION

JUDGMENT

1. Brief facts of the case in hand are that plaintiffs 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 plaintiff no. 1 is **01.01.1950** while the defendants have incorrectly entered the same as 1966 in their record, which is wrong, ineffective upon the right of the plaintiffs and liable to correction. That the defendants were asked time and again to do

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Civil Judge/JM-II
Tehsil Courts, Kalaya

[Handwritten Signature]
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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:

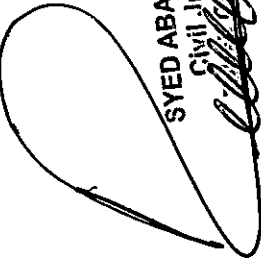
1. Whether the plaintiff has got a cause of action? OPP
2. Whether the correct date of birth of plaintiff no. 1 **01.01.1950** while it has been incorrectly entered as 1966 in her CNIC by defendants? OPP
3. Whether the plaintiff is entitled to the decree as prayed for?
4. Relief?

Issue wise findings of this court are as under: -

Issue No. 02:

Whether the correct date of birth of plaintiff no. 1 01.01.1950 while it has been incorrectly entered as 1966 in her CNIC by defendants? OPP

The plaintiffs alleged in their plaint that correct date of birth of plaintiff no. 1 is **01.01.1950**, while defendants have wrongly entered the same as 1966 in their record which is wrong, ineffective upon the right of plaintiffs and liable to be corrected.


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 CIVIL JUDGE/JM-II
 DERA GHAZI KHAN
 (19-07-2023)

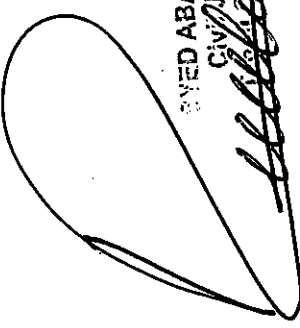
of birth of elder son of plaintiff no. 1 is 1968. During cross examination he admitted that there exist unnatural difference of 02 & 08 years with her sons namely Saidat Ali and Adeeb Ali.

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 on record by the opposite party. Furthermore it is also pertinent to mention here that there exist unnatural gap of 02 & 08 years between ages of plaintiff no. 1, plaintiff no. 2 and plaintiff no. 3. The age difference between the ages of plaintiff no. 1 with her sons (plaintiff no. 2 & plaintiff no. 3) is against the order of nature.

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 plaintiff no. 1 and against the defendants.

Issue No. 01 & 03:

- Whether the plaintiff has got a cause of action? OPP**
- Whether the plaintiff is entitled to the decree as prayed for?**


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

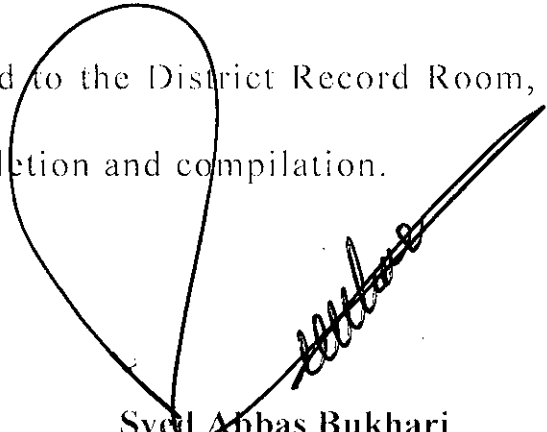
As sequel to my findings on issue No. 02 the plaintiff has got a cause of action and therefore entitled to the decree as prayed for to the extent of plaintiff no. 1. Thus, both these issues are decided in positive.

RELIEF:

As sequel to my above issue wise findings, the suit of the plaintiffs are hereby **decreed** to the extent of plaintiff no. 1, for the relief as prayed for. No order as to costs.

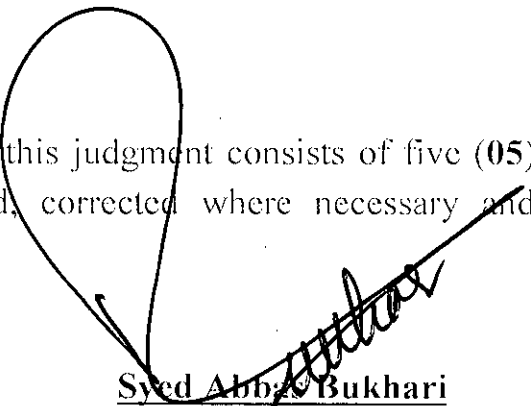
File be consigned to the District Record Room, Orakzai after its completion and compilation.

Announced
19.07.2023


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

CERTIFICATE

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


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