

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

Civil Suit No. 43/1 of 2023
Date of Original Institution: 12.06.2023
Date of Decision: 25.07.2023

**Muhammad Hussain S/O Gulshan Ali, R/O Qoum Mani
khel, Tappa Ahmad Khel, Tehsil Lower District Orakzai.**

.....(Plaintiff)

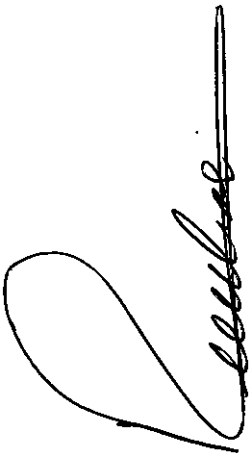
VERSUS

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

.....(Defendants)

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

JUDGMENT



SYED ABBAS BUKHARI
Civil Judge/JM-II
Tehsil Courts Kalaya

Brief facts of the case that plaintiff has filed the instant suit for declaration cum-permanent injunction to the effect that his correct date of birth as per SSC (Matric) DMC and Certificate is **12.05.2005**, while defendants have incorrectly entered the same as 12.05.2001 in their record, which entry is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. That defendants were asked time and again to rectify the date of birth of plaintiff but they refused, hence, the present suit.

With due process of law and procedure, the defendants were summoned, who appeared through

their representative, who submitted authority letter and written statement.

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

Issues:

1. Whether plaintiff has got cause of action? OPP
2. Whether the correct date of birth of the plaintiff as per his SSC (Matric) DMC and Certificate is **12.05.2005**, while it has been incorrectly entered as 12.05.2001 in his Form-B by defendants? OPP
3. Whether the plaintiff is entitled to the decree as prayed for? OPP
4. Relief.

Issue wise findings of this court are as under: -

Issue No. 02:

Whether the correct date of birth of the plaintiff as per his SSC (Matric) DMC and Certificate is 12.05.2005, while it has been incorrectly entered as 12.05.2001 in his Form-B by defendants? OPP

The plaintiff alleged in his plaint that correct date of birth of plaintiff as per his SSC (Matric) DMC and Certificate is **12.05.2005** while defendants have incorrectly entered the same as 12.05.2001 in their record, which are wrong, ineffective upon the rights of the plaintiff and liable to correction.


The plaintiff produced witnesses in whom Shaman Ali, the attorney for plaintiff, appeared as PW-01. He stated that correct date of birth of

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plaintiff is 12.05.2005 which is correctly mentioned in SSC (Matric), DMC and Certificate, while defendant have incorrectly entered the same as 12.05.2001 in his Form-B which is incorrect. He further stated that the date of birth of plaintiff's sister namely Batool Zehra is same as plaintiff i.e. 12.05.2001 but in fact Batool Zehra is younger than his brother several years. He produced his CNIC, special power of attorney and SSC DMC of plaintiff which are Ex. PW-1/1 to Ex. PW-1/3 respectively. During cross examination he stated that plaintiff is studying in University of Peshawar and plaintiff is younger amongst his brothers and sisters.

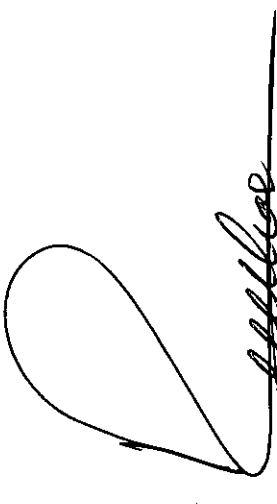
Gulshan Ali S/O Sabir Ali, the father of the plaintiff is appeared as PW-02. He narrated the same story as narrated by PW-01. During cross examination nothing tangible has been extracted out of him.

In order to counter the claim of the plaintiff, the defendants produced only one witness, the representative of the defendants who appeared as DW-1. He produced the family tree of plaintiff which is Ex. DW-1/1 and according to that the date of birth of plaintiff is 12.05.2001 and his sister


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namely Batool Zehra, date of birth is 12.05.2001 and they both are twin. He lastly requested for dismissal of the suit. During cross examination he admitted that the date of birth of plaintiff in SSC DMC is 12.05.2005. He further stated that he has got no objection if the case in hand is decided in favor of plaintiff.

In light of above discussion as plaintiff succeeded to prove his stance by producing cogent, documentary, oral and reliable witnesses, which fully supported the claim of the plaintiff. Thus, the plaintiff established his claim through cogent and reliable evidence, therefore, the issue is decided in positive.


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Ct. II, Judge/Judge-II
Tehsil Courts Kalaya

Issue No. 01 &03:
Whether the plaintiff has got cause of action? OPP
Whether the plaintiff is entitled to the decree as payed for? OPP

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

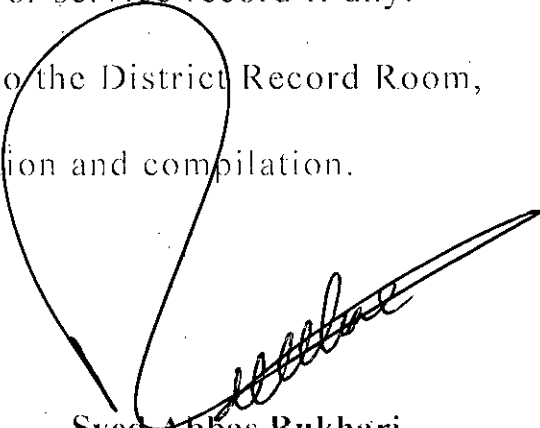
As sequel to my findings on issue No. 2, the plaintiff has got a cause of action and therefore he is entitled to the decree as payed for. Thus, both these issues are decided in positive.

RELIEF:

As sequel to my above issue wise findings, the suit of the plaintiff is hereby **decreed** as prayed for. No order as to costs. This decree shall not effect the rights of other person(s) or service record if any.

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

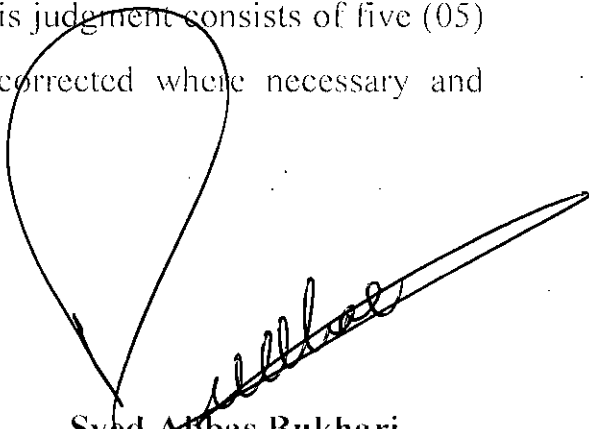
Announced
25.07.2023



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