

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

Civil Suit No. 48/1 of 2023
Date of Original Institution: 03.07.2023
Date of Decision: 25.07.2023

Mst. Ashmara Bib W/O Mujeeb Ur Rehman, resident of
Qoum Feroz Khel, Songrani, Tehsil Lower, District: Orakzai.

.....(Plaintiff)

VERSUS

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

.....(Defendants)

SYED ABAAS BUKHARI
Civil Judge II
Tehsil Courts Kalaya
25-07-2023

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

JUDGMENT

1. Brief facts of the case in hand are that attorney Mujeeb Ur Rehman for plaintiff has 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 is **01.01.1980**, while defendants have wrongly entered the same as 01.01.1990 in their record, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were asked time and again to do 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 plaintiffs have got a cause of action? OPP
2. Whether the correct date of birth of plaintiff **01.01.1980** while it has been incorrectly entered as 01.01.1990 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:

The plaintiff alleged in her plaint that correct date of birth of plaintiff is **01.01.1980**, while defendants have wrongly entered the same as 01.01.1990 in their record which is wrong, ineffective upon the rights of plaintiff and liable to be corrected.

The plaintiff produced witnesses in whom Mr. Mujeeb Ur Rehman S/O Meeana Dar, the husband/attorney of the plaintiff, appeared as PW-01. He stated that the he is the husband of the plaintiff and correct date of birth of plaintiff is 01.01.1980 while defendants have incorrectly entered the date of birth of plaintiff is 01.01.1990 due to which there exist

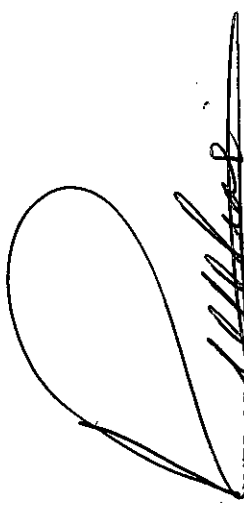


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Civil Judge
Tehsil Courts Kaiaya

unnatural gaps of 08 and 13 years with her sons. He produced his CNIC, special power of attorney and CNIC of plaintiff which are Ex. PW-1/1 to Ex. PW-1/3 respectively. The witness has been cross examined and he stated that plaintiff is his wife and his elder son is Hazrat Umar. He further stated that he has only one marriage. He again stated that his elder son Hazrat Umar is serving in FC and his wife is illiterate.

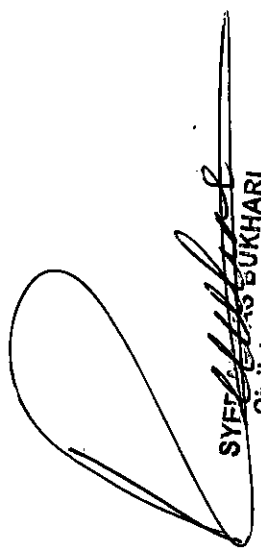
Mr. Khaista Jamal S/O Meena Dar Khan, the brother in law, appeared as PW-02. He narrated the same story as narrated by PW-01. He produced his CNIC which is Ex. PW-2/1. During cross examination nothing contradictory has been extracted out of him.

In order to counter the claim of the plaintiff, defendants produced only one witness, the representative of the defendants who appeared as DW-01. He produced Family Tree of plaintiff which is Ex. DW-1/1 and according to that the correct date of birth of plaintiff is 01.01.1990. He further stated that dates of birth of elder son Hazrat Umar and other son namely Nazeed Khan are 01.09.1998 and 01.01.2003 of plaintiff respectively. He produced the family tree of the plaintiff which is Ex. DW-1/1. During cross examination he admitted that plaintiff has unnatural gap of 08 and 13 years with her sons which is against the


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 Tarnsar Courts Kalay

order of nature. He lastly stated that he has got no objection if the case is decreed in favor of plaintiff.

In light of above discussion as plaintiff succeeded to prove her stance by producing documentary, cogent, convincing and reliable evidence and 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 08 & 13 years between ages of plaintiff and their sons. The age difference between the age of plaintiff and her sons namely Hazrat Umar and Nazeed Khan is against the order of nature and impossible, accordingly, the issue in hand is hereby decided in positive.


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Civil Judge (D)
District Courts Kalya

Issue No. 01 & 03:

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

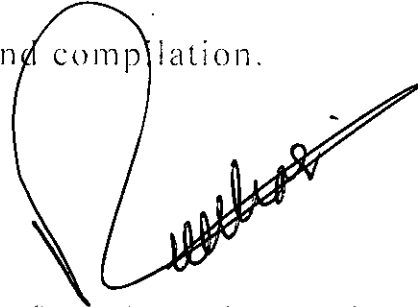
As sequel to my findings on issue No. 02 the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Thus, both these issues are decided in positive.

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.

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

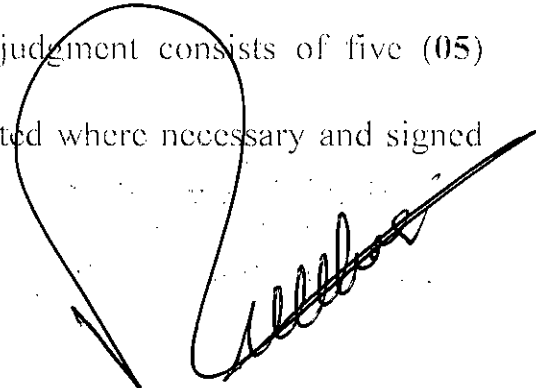
Announced
25.07.2023



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