

**IN THE COURT OF MUHADMMAD IMTIAZ**  
**CIVIL JUDGE-II, ORAKZAI**

Suit No..... 56/1 of 2019  
Date of Institution..... 08/07/2019  
Date of Decision..... 10/03/2020

**Adnan khan** S/O Nazeer Badshah R/O Ali Kheil, Tappa Panjam, P.O Giljo, Zanka Kheil, Tehsil Upper, District Orakzai

..... (Plaintiff)

**V E R S U S**

1. Chairman Nadra, Islamabad
2. Director General Nadra Hayatabad Peshawar, KPK
3. Assistant Director General Nadra District Orakzai at Hangu

.....(Defendants)

**SUIT FOR DECLARATION, PERPETUAL AND DIRECTORY INJUNCTION**

*Mr. Sana Ullah Khan Advocate for the Plaintiff*  
*Defendants through representative Mr. Farhat Abbas*

**JUDGMENT**

1. Brief facts of the case are that Plaintiff filed suit for Declaration along with Perpetual and Directory Injunction to effect that Plaintiff **Correct** Date of birth is 10-03-2002 while in the defendant's record (CNIC No. 14301-1423119-9) his Date of birth is recorded as 13-03-2001 which is wrong, clerical mistake and liable to be corrected.

2. Defendant were summoned through the Process of the Court upon which the they appeared, through

*Mr. Muhammad Imtiaz*  
*Civil Judge/JM-II*  
*Orakzai (Babar Mela)*  
*10-03-2022*

representative Mr. Farhat Abbas filed Written Statement and denied the claim of the plaintiff and objected the same on so many legal and factual grounds.

3. Pleadings of the parties were reduced to the following issues.

**ISSUES:**

- (1) *Whether the plaintiff has got the cause of action? OPP*
- (2) *Whether suit of the plaintiff is bad in its present form? OPD*
- (3) *Whether correct date of birth of plaintiff is 10-03-2002 whereas defendants have wrongly recorded the same in their record as 13-03-2001? OPP*
- (4) *Whether the plaintiff is entitled to the decree as prayed for? OPP*

*Relief*

4. Parties were provided with an opportunity to produce their respective evidence who accordingly produced them as follows:

PW- NAME	DOCUMENTS PRODUCED	EXHIBIT
<u>PW-01</u> Adnan Khan Plaintiff himself	a. Copy of his CNIC b.S.S.C Detailed Marks Certificate	a.Ex.PW01/01 b.Ex.PW 01/02
<u>PW-02</u> Ikram Shah "Grand Father" of Plaintiff	a. Copy of his CNIC	a. Ex.PW 02/01

*Muhammad Imtiaz  
Civil Judge/JM-II  
Okmal at (Babar Mela)  
10/07/2022*

per

<u>PW-03</u> Khalid Shah <u>"Cousin"</u> of Plaintiff	a. Copy of his CNIC	a. Ex.PW 03/01
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Then after Plaintiff closed his evidence. On the other hand, Defendants produced the following evidence.

DW- NAME	DOCUMENTS PRODUCED	EXHIBIT
<u>DW-01</u> <u>"Representative"</u> of the defendants Mr. Farhat Abbas	a. CNIC Processing form of the Plaintiff b. Plaintiff's family tree by birth	a. EX. DW 1/1 b. EX. DW-1/2

Evidence of the Defendant then closed.

Muhammad Imtiaz  
Civil Judge (J-1-II)  
Faisalabad (Bahar Nela)

5. With the valuable assistance of learned counsel for the parties, I have gone through the record. My issue wise findings are as under: -

**Issue No. 02: - Whether suit of the plaintiff is bad in its present form? OPD**

6. Perusing the case file and going through the evidence recorded by the parties' defendants fail to point out any defect or illegality in the form of the suit.

7. Hence above issued is decided in "Negative"

**Issue No.03: - Whether correct date of birth of plaintiff is 10-03-2002 whereas defendants have wrongly recorded the same in their record as 13-03-2001? OPP**

8. Onus to prove this issue is upon the plaintiff. Perusal of case file reveals that this is the main contention of the plaintiff.

9. To discharge his burden plaintiff appeared himself along with his Grand Father and Cousin. Submitted oral along with Documentary evidence.

10. Educational document Ex.PW-01/02 produced by the plaintiff support his stance. The same is not objected by the representative of defendants to be fake or bogus. Meaning thereby that he impliedly admitted it as true and correct.

11. For what has discussed above this issue is decided in "Affirmative".

**Issue No.01: - *Whether plaintiff has got the cause of action? OPP***

**Issue No.04: - *Whether the plaintiff is entitled to the decree as prayed for? OPP***

12. Both issues are inter-related, will be decided together. On the basis of discussion, while deciding issue No.03, Plaintiff has **GOT** cause of action. Plaintiff is **Entitled** to the decree as prayed for.

13. Hence both issues are decided in "Affirmative".

Muhammad Imtiaz  
Civil Judge (M-1)  
Sialkot (Sebar Mchla)  
16-03-2022

Relief

14. As plaintiff proved her case through cogent and reliable evidence the same is hereby Decreed to effect that Plaintiff **Correct** Date of birth is 10-03-2002 while in the defendant's record (CNIC No. 14301-1423119-9) his Date of birth is recorded as 13-03-2001 which is wrong, clerical mistake and liable to be corrected.

15. Defendants are hereby directed to make the changes/correction accordingly in their Documents/Record concerned as per their prescribed procedure by law.

16. Parties are left to bear their own cost. Case file be consigned to record room after necessary completion and compilation.

ANNOUNCED:  
10-03-2020

Muhammad Imtiaz  
Civil Judge/JM-II  
Orakzai at (Bahar M...)  
10/3/20

MUHAMMAD IMTIAZ  
CIVIL JUDGE-II  
ORAKZAI

CERTIFICATE

Certified that this judgment consists of five (05) pages and each page is read over, checked and corrected wherever necessary.

Muhammad Imtiaz  
Civil Judge/JM-II  
Orakzai at (Bahar M...)  
MUHAMMAD IMTIAZ  
CIVIL JUDGE-II  
ORAKZAI