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

Civil Suit No. 56/1 of 2023  
Date of Original Institution: 05.07.2023  
Date of Decision: 30.08.2023

**Mst. Ain Ullah Jan W/O Lal Hassan**, resident of Qoum Bar  
Muhammad Khel, Tappa Khudad Khel, Largi Tang, Tehsil Lower,  
District: Orakzai.

.....(Plaintiff)

**VERSUS**

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

.....(Defendants)

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

**JUDGMENT**

1. Brief facts of the case in hand are that attorney Nikmal Hassan 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 **01.01.1950**, while defendants have wrongly entered the same as 01.01.1960 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;

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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 **01.01.1950** while it has been incorrectly entered as 01.01.1960 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 **01.01.1950**, while defendants have wrongly entered the same as 01.01.1960 in their record which is wrong, ineffective upon the rights of plaintiff and liable to be corrected.

The plaintiff produced witnesses in whom Mr. Nikmal Hassan S/O Rakib Ali, the relative/attorney of the plaintiff, appeared as PW-01. He stated that the correct date of birth of plaintiff is **01.01.1950** while defendants have wrongly entered the same as 01.01.1960, due to which there exist unnatural gaps of 08, 12 and 13 years with her daughters. He produced his

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special power of attorney and his CNIC which are Ex. PW-1/1 & Ex. PW-1/2 respectively. The witness has been cross examined but nothing tangible 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 Alpha and Beta of plaintiff which is Ex. DW-1/1 & Ex. DW-1/2 and according to that the correct date of birth of plaintiff is 01.01.1960. He further stated that date of birth of elder daughter of plaintiff namely Basmina is 01.01.1968. He lastly requested for dismissal of the suit. During cross examination he stated that it is correct that there exist of 08 years unnatural gap between plaintiff and her elder daughter. It is further correct that due to unnatural gap of plaintiff with her daughter Basmina, it is not possible to renew or amend in the CNIC of plaintiff's daughter Basmina. He admitted that according to NADRA SOP, an unnatural gap termination is mandatory.

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.

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Furthermore it is also pertinent to mention here that there exist unnatural gaps of 08, 12 & 15 years between ages of plaintiff and their daughters. The age difference between the age of plaintiff and her daughters namely Basmina, Tajmeena and Anar Begum is against the order of nature and impossible, accordingly; the issue in hand is hereby decided in positive.

**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**  
**30.08.2023**

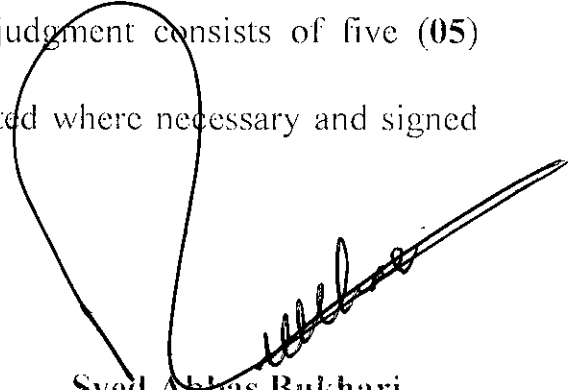
  
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CERTIFICATE

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



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