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IN THE COURT OF FARMAN ULLAH,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 276/1 of 2020
Date of Institution: 25/02/2020
Date of Decision: 09/02/2021

Zahid Gul s/o Miraj Gul

Section Stori Khel Sub Section Mala Khel, PO Jalaka Mela, Tehsil Lower & District Orakzai..... (Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA Hayatabad KP.**
3. **Assistant Director, Registration NADRA District Orakzai.**

(Defendants)

SUIT FOR DECLARATION, PERMANENT & MANDATORY INJUNCTION

JUDGEMENT:

09.02.2021

Brief facts of case in hand are that the plaintiff, **Zahid Gul s/o Miraj Gul**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that his correct date of birth is **05.07.1996**, which has been correctly mentioned in his educational record, while defendants have wrongly mentioned the same as **01.01.1991** in their record, which is incorrect and liable to be corrected. Hence, the present suit.

Defendants were summoned, who appeared through attorney namely Syed Farhat Abbas and submitted written statement, wherein they contested the suit of plaintiff on various grounds.

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

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Issues:

1. Whether plaintiff has got cause of action?
2. Whether suit of the plaintiff is within time?
3. Whether the correct date of birth of the plaintiff is "05.07.1996" while defendants have wrongly mentioned the same as "01.01.1991" in their record?
4. Whether plaintiff is entitled to the decree as prayed for?
5. Relief.
6. Parties were provided opportunity to produce evidence in support of their respective contention, which they did. Plaintiff produced his witnesses as PW-1 to PW-3.
7. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the registration record of the plaintiff and exhibited the same as Ex. DW-1/1 to Ex. DW-1/3.

After conclusion of the evidence arguments pro and contra heard. Case file is gone through.

9. My issues wise findings are as under:

Issue No. 02:

Perusal of record reveals that CNIC was issued to the plaintiff on 12.01.2017 while plaintiff filed instant suit on 25.02.2020 by challenging his name mentioned in his CNIC. Period provided for filing declaratory suit under Article 120 of Limitation Act is 06 years. So, the suit in hand has been instituted within time, hence, issue is decided in positive.

Issue No.03:

Plaintiff contended in his plaint that his correct date of birth is 05.07.1996, which has been correctly mentioned in his

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educational documents, but inadvertently the same was recorded as **01.01.1991** in NADRA record. Hence, the record is liable to be corrected.

Plaintiff in support of his contention has appeared as PW-1 and he repeated the contents of plaint in his examination in chief. He also produced his Service card as Ex.PW-1/1, Matric DMC as Ex.PW-1/2, Matric certificate as Ex. PW-1/3 and other service document as Ex.PW-1/4. PW-2, Miraj Gul, who is father of the plaintiff stated in his examination in chief that he has six sons and four daughters, that plaintiff is his real son. That correct date of birth of the plaintiff is **05.07.1996** which is also correctly recorded in his school and service record. PW-3 Gul Arif, who is uncle of the plaintiff, also supported the contention of the plaintiff and stated in his examination in chief that correct date of birth of the plaintiff is **05.07.1996**. PW-1 to PW-3 were subjected to cross examination but nothing substantial was brought on record which could have shattered their testimony rather they remained consistent regarding the facts uttered by them in their examination in chief. Their testimony is also corroborated by the Matric DMC, Matric certificate and service record of plaintiff produced by PW-1 as Ex.PW-1/1 to Ex.PW-1/4 wherein, date of birth of the plaintiff has been recorded as **05.07.1996**. So, the oral and documentary evidence produced by the plaintiff establishes that the correct date of birth of the plaintiff is **05.07.1996**. The incorporation of date of birth of the plaintiff as **01.01.1991** in


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the record of NADRA appears to be a mistake. Hence, the issue No. 3 is decided in positive.

Issue No. 01 & 04:

These issues are taken together. For what has been held in issue No. 3, this court is of the opinion that plaintiff has got cause of action and he is entitled to the decree as prayed for.

The issues are decided in positive.

Relief:

Consequently, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct their record by incorporating the date of birth of the plaintiff as **05.07.1996** in their record. Parties are left to bear their own costs.

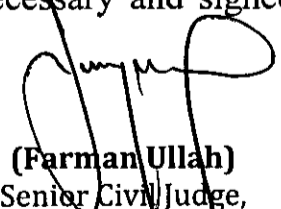
10. File be consigned to the record room after its completion and compilation.

Announced
09/02/2020


FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
(Farman Ullah)
Senior Civil Judge,
Orakzai (at Baber Mela).

CERTIFICATE

Certified that this judgment of mine consists of **04** (four) pages, each page has been checked, corrected where necessary and signed by me.


(Farman Ullah)
Senior Civil Judge,
Orakzai (at Baber Mela).

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela