

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

Civil Suit No. 329/1 of 2020
Date of Institution: 14/09/2020
Date of Decision: 15/02/2021

Noman Raza s/o Abbas Ghulam
Section Mani Khel, Sub Section Ahmad Khel, PO Kalaya, 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:
15.02.2021

Brief facts of case in hand are that the plaintiff, **Noman Raza s/o Abbas Ghulam**, 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 **07.07.2000** while defendants have wrongly mentioned the same in their record as **07.07.1992**, which is incorrect and liable to be corrected.

That he repeatedly asked defendants to correct his date of birth by issuing CNIC but they refused. 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.

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15-2-2021

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

Issues:

1. Whether plaintiff has got cause of action?
2. Whether the correct date of birth of the plaintiff is "07.07.2000" while defendants have wrongly mentioned the same as 07.07.1992 in their record?
3. Whether plaintiff is entitled to the decree as prayed for?
4. Relief.
5. Parties were provided opportunity to produce evidence in support of their respective contention, which they did. Plaintiff produced his witnesses as PW-1 and PW-2.
6. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the record form of plaintiff and exhibited the same as Ex. DW-1/1 to Ex. DW-1/2.
7. After conclusion of the evidence arguments pro and contra heard. Case file is gone through.
8. My issues wise findings are as under:

Issue No.02:

Plaintiff contended in his plaint that his correct date of birth is 07.07.2000 but inadvertently the same was recorded as 07.07.1992 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 Matric DMC as

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Ex.PW-1/1 and Matric provisional certificate as Ex. PW-1/2 while PW-2, Abbas Ghulam, who is father of the plaintiff stated in his examination in chief that correct date of birth of the plaintiff is **07.07.2000** and which has been correctly recorded in matric DMC and certificate. That date of birth entered in the CNIC of the plaintiff as 07.07.1992 is incorrect. PW-1 to PW-2 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 and Matric provisional certificate of plaintiff produced by PW-1 as Ex.PW-1/1 and Ex.PW-1/2; wherein, the date of birth of plaintiff has been recorded as **07.07.2000**. Moreover, plaintiff stated in his statement that Imtiaz Ali and Baseerat are his brother and sister and both of them are older than him. He also produced their CNICs as Ex.PW-1/7 and Ex.PW-1/8. The perusal of CNIC of Imtiaz Ex. PW-1/8 shows that his date of birth has been recorded as 06.02.1995 while CNIC of Baseerat Ex. PW-1/7 reflects her date of birth as 07.04.1997. So, Ex.PW-1/7 and Ex.PW-1/8 further corroborate the stance of plaintiff. Hence, the oral and documentary evidence produced by the plaintiff establishes that the correct date of birth of the plaintiff is **07.07.2000**. The incorporation of date of birth of the plaintiff as **07.07.1992** in the record of

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NADRA appears to be a mistake. Hence, the issue No. 2 is decided in positive.

Issue No. 01 & 03:

These issues are taken together. For what has been held in issue No. 2, 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 **07.07.2000** in their record. Parties are left to bear their own costs.

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

Announced
15/02/2021


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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.


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