

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

Civil Suit No. 245/1 of 2020
Date of Institution: 21/01/2020
Date of Decision: 24/02/2021

Muhammad Akbar s/o Deen Akbar

Section Mishti Mela, Sub Section Haider Khel, P/O Mishti Mela, Tehsil central Orakzai & 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:

24.02.2021

Brief facts of case in hand are that the plaintiff, **Muhammad Akbar s/o Deen Akbar**, 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 **23.12.1966**, which has been correctly recorded in his service record as well as in pension book, while defendants have wrongly mentioned the same as **1958** in their record, which is incorrect and liable to be corrected. That defendants were repeatedly asked to correct their record but they refused. Hence, the present suit.


FARMANULLAH
 Senior Civil Judge
 Orakzai at Baber Mela

24.2.2021

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;

Issues:

1. Whether plaintiff has got cause of action?
2. Whether the correct date of birth of the plaintiff is **23.12.1966** while defendants have wrongly mentioned the same as **1958** in their record?
3. Whether plaintiff is entitled to the decree as prayed for?
4. Relief.


FARMANULLAH
 Senior Civil Judge
 Orakzai at Babel M.C.

24.2.2021

5. 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.

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 while other documents as Ex. DW-1/2 to Ex. DW-1/3.

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 **23.12.1966** but inadvertently the same was recorded as

1958 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 record as Ex.PW-1/2 and pension documents as Ex.PW-1/3, while PW-2, Ameer Janan, who is cousin of the plaintiff stated in his examination in chief that correct date of birth of the plaintiff is 23.12.1966. PW-3, Malak Khayal Janan, who is brother in law of the plaintiff, also supported the contention of the plaintiff. 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 Service record of plaintiff produced by PW-1 as Ex.PW-1/2 and Ex.PW-1/3, wherein, the date of birth of plaintiff has been recorded as 23.12.1966. So, the oral and documentary evidence produced by the plaintiff establishes that the correct date of birth of the plaintiff is 23.12.1966. The incorporation of date of birth of the plaintiff as 1958 in the record of NADRA appears to be a mistake. Hence, the issue No. 2 is decided in positive.

FARIS ANWIL KHAN
Sector Civil Judge
Ordnance Deptt
24.2.2021

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 and defendants are directed to correct the date of birth of the plaintiff as **23.12.1966**. Parties are left to bear their own costs.

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

Announced
24/02/2021

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

CERTIFICATE

Certified that this judgment of mine including this page 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).