

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.

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 "10.12.1992" while defendants have wrongly mentioned the same as 01.01.1986 in their record?
3. Whether plaintiff is entitled to the decree as prayed for?
4. Relief.

Handwritten signature and date: 15-3-2021

FARMANULLAH
Senior Civil Judge
Orakzai District Mela

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.

In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced CNIC processing detail form, family tree and form "A" of plaintiff and exhibited the same as Ex. DW-1/1 to Ex. DW-1/3.

7. After conclusion of the evidence arguments pro and contra heard. Case file is gone through.
8. In the light of available record and arguments of learned counsel for the parties my issues wise findings are as under:

Issue No.02:

Plaintiff contended in his plaint that his correct date of birth is 10.12.1992 but it was wrongly recorded by defendants in their record as 01.01.1986. Hence, the record is liable to be corrected.

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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 certificate and DMC as Ex.PW-1/2 and Ex. PW-1/3 while PW-02, stated in his examination in chief that plaintiff is his nephew and the correct date of birth of the plaintiff is **10.12.1992**. PW-03 stated in his examination in chief that plaintiff is his cousin and the correct date of birth of plaintiff is 10-12-1992. PW-01 to PW-03 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 certificate 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 **10.12.1992**. Moreover, the SSC DMC and certificate are maintained and issued by BISE Kohat under statutory mandate, provided under the law. Hence, presumption of truth is attached to the same unless rebutted by any other oral or documentary evidence. In instant case no such oral or documentary evidence is available in rebuttal. So, the oral and documentary evidence produced by the plaintiff establishes that the correct date of birth of the plaintiff is **10.12.1992**. The incorporation of date of birth of the plaintiff as **01.01.1986** in the record of 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



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cause of action and he is also 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 **10.12.1992**. Parties are left to bear their own costs.

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

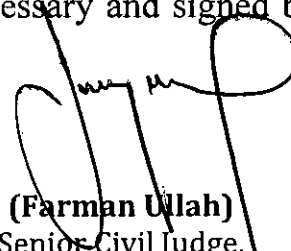
Announced

15/03/2021


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