

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

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Civil Suit No. 348/1 of 2020
Date of Institution: 24/10/2020
Date of Decision: 19/03/2021

Riqab Ali s/o Muhib Ali

Section: Ali Khel, Tapa: Meer Was Khel, PO Ghiljo, Tehsil Upper & 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:

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Brief facts of case in hand are that the plaintiff, **Riqab Ali s/o Muhib Ali**, 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 **11.01.1995** while defendants have wrongly mentioned the same in their record as **01.06.1992**, which is incorrect and liable to be corrected. That the correct date of birth of plaintiff has also been recorded in his education record as 11-01-1995. That he repeatedly asked defendants to correct his date of birth by issuing CNIC but they refused. Hence, the present suit.


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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:

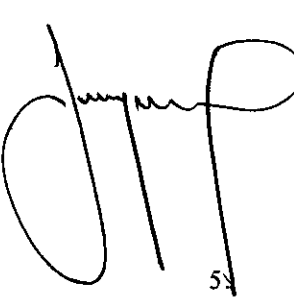
1. Whether plaintiff has got cause of action?
2. Whether the correct date of birth of the plaintiff is "11.01.1995" while defendants have wrongly mentioned the same as 01.06.1992 in their record?
3. Whether plaintiff is entitled to the decree as prayed for?
4. Relief.

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-4.

In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced CNIC processing detail form and marriage family tree of plaintiff and exhibited the same as Ex. DW-1/1 and Ex. DW-1/2.

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



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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 **11.01.1995** but it was wrongly recorded by defendants in their record as **01.06.1992**. Hence, the record is liable to be corrected.

Plaintiff in support of his contention has appeared as PW-1 and repeated the contents of plaint in his examination in chief. He also produced his school leaving certificate as Ex.PW-1/2 while PW-02, stated in his examination in chief that plaintiff is his cousin and the correct date of birth of the plaintiff is **11.01.1995**. PW-03 stated in her examination in chief that plaintiff is her son and the correct date of birth of plaintiff is **11.01.1995** while PW-04 produced the register of admission and withdrawal of Govt; High School Ustarzai Bala as Ex.PW-4/1, affidavit and application of plaintiff as Ex.PW-4/2 and Ex.PW-4/3, while school leaving certificate of plaintiff as Ex.PW-4/5. PW-01 to PW-04 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

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corroborated by the School record of plaintiff produced by PW-4 as Ex.PW-4/1, Ex.PW-4/2, Ex.PW-4/3 and Ex.PW-4/5; wherein, the date of birth of plaintiff has been recorded as **11.01.1995**. 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 **11.01.1995**. The incorporation of date of birth of the plaintiff as **01.06.1992** 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 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

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record by incorporating the date of birth of the plaintiff as **11.01.1995**. Parties are left to bear their own costs.

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

Announced

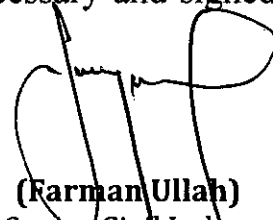
19/03/2021



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

CERTIFICATE

Certified that this judgment of mine consists of **05** (five) 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