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

Civil Suit No. 361/1 of 2020
Date of Institution: 27/11/2020
Date of Decision: 31/03/2021

Payao Gul s/o Qadir Khan

R/o Qoam: Ali Khel, Tapa: Panjam, Zanka Khel, 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:

Brief facts of case in hand are that the plaintiff, **Payao Gul s/o Qadir Khan**, 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 **01.01.1977** while defendants have wrongly mentioned the same in their record as **01.01.1981**, which is incorrect and liable to be corrected that Mst; Rokhida Bibi is the daughter of plaintiff and her date of birth is 01-01-1993, so the difference between the age of plaintiff and his daughter is 12 years which is unnatural and contrary to the facts. that defendants were repeatedly asked to correct the date of birth of plaintiff but they refused. Hence, the present suit.

FARMANULLAH

Senior Civil Judge
Orakzai at Baber Mela

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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 "01.01.1977" while defendants have wrongly mentioned the same as 01.01.1981 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. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the record of plaintiff and exhibited the same as Ex. DW-1/1 to 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 01.01.1977 but inadvertently the same was recorded as 01.01.1981 in NADRA record. Hence, the record is liable to be corrected.

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Plaintiff in support of his contention produced his attorney as PW-1, who repeated the contents of plaint in his examination in chief. He also produced CNIC of plaintiff as Ex.PW-1/2, Nikah Nama and birth certificate of Rokhida Bibi as Ex.PW-1/3 and Ex.PW-1/4 respectively. PW-2 is the statement of Nabi Gul, who stated in his examination in chief that plaintiff is his cousin and the correct date of birth of the plaintiff is **01.01.1977**. He also stated Mst; Rokhida Bibi is the daughter of plaintiff and due to incorporation of wrong date of birth of plaintiff, there is unnatural gap in age of plaintiff and his daughter Rokhida Bibi. PW-1 and 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. From their statement it is evident that Mst; Rokhida Bibi is the daughter of plaintiff. The Nikah Nama and birth certificate of Mst; Rokhida Bibi produced by PW-1 as E.PW-1/3 and Ex.PW-1/4 respectively, depicts her date of birth as **01.01.1993**, while the plaintiff's date of birth as per NADRA record is **01.01.1981**, which shows that the age gap between the plaintiff and his elder daughter is only 12 years. The said difference in age of father and daughter on the face of it appears to be unnatural and contrary to the facts. So, the oral and documentary evidence produced by the plaintiff clearly establishing that the correct date of birth of the plaintiff is **01.01.1977**. The incorporation of date of birth of the plaintiff as

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01.01.1981 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 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 01.01.1977 in their record. Parties are left to bear their own costs.

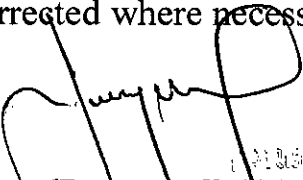
9. File be consigned to the record room after its completion and compilation.

Announced
31/03/2021


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

CERTIFICATE

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


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