

(41)

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

Civil Suit No. 360/1 of 2020
Date of Institution: 27/11/2020
Date of Decision: 31/03/2021

Ghanam Gula w/o Payao Gul

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, **Ghanam Gula w/o Payao Gul**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that her correct date of birth is **01.01.1977** while defendants have wrongly mentioned the same in their record as **01.01.1978**, 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 her daughter is 15 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

31.3.2021

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 "01.01.1977" while defendants have wrongly mentioned the same as 01.01.1978 in their record?
3. Whether plaintiff is entitled to the decree as prayed for?
4. Relief.

31.3.2021

51

Senior Judge

Orizal

Parties were provided opportunity to produce evidence in support of their respective contention, which they did. Plaintiff produced her 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 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 her plaint that her correct date of birth is 01.01.1977 but inadvertently the same was recorded as 01.01.1978 in NADRA record. Hence, the record is liable to be corrected.

43

Plaintiff in support of her contention produced her attorney as PW-1, who repeated the contents of plaint in her examination in chief. He also produced CNIC of plaintiff as Ex.PW-1/2, Nikah Nama of Rokhida Bibi as Ex.PW-1/3. PW-2 is the statement of Nabi Gul, who stated in his examination in chief that plaintiff is his relative 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 her daughter Rokhida Bibi. 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. From their statement it is evident that Mst; Rokhida Bibi is the daughter of plaintiff. The Nikah Nama of Mst; Rokhida Bibi produced by PW-1 as E.PW-1/3, depicts her date of birth as **01.01.1993**, while the plaintiff's date of birth as per NADRA record is **01.01.1978**, which shows that the age gap between the plaintiff and her elder daughter is only 15 years. The said difference in age of mother 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

FARMANULLAH
Senior Civil J.
Orakzai at B.S.

31.3.2021

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 she is entitled to the decree as prayed for.

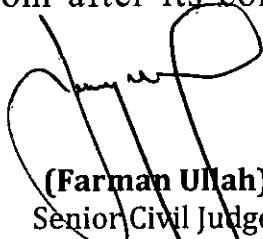
The issues are decided in positive.

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.

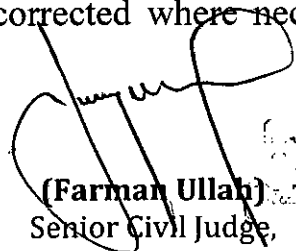
9. File be consigned to the record room after its completion and compilation.

Announced
31/03/2021


FARMANULLAH
(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,
Orakzai (at Baber Mela).