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**IN THE COURT OF BAKHT ZADA,**  
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 26/1 of 2023  
Date of Institution: 13.05.2023  
Date of Decision: 28.09.2023

**Shada W/O Min Jaleel, R/O Qoum Ali Khel, Tappa Sher Khel,  
Bari Khel, Tehsil Upper, District Orakzai**  
*(Plaintiff)*

**VERSUS**

- 1. Chairman NADRA, Islamabad.**
- 2. Deputy Registrar NADRA, Peshawar.**
- 3. Assistant Director, NADRA.**

*(Defendants)*

**SUIT FOR DECLARATION-CUM-PERPETUAL AND  
MANDATORY INJUNCTION**

**JUDGEMENT:**

1. Plaintiff Mst. Shada w/o Min Jaleel R/O Ghiljo, Bari, District Orakzai has brought the instant suit against defendants Chairman NADRA, Islamabad and 02 others for declaration-cum-perpetual and mandatory injunction to the effect that correct date of birth of the plaintiff is 01.01.1982, but the same has been wrongly entered in her record with the defendants as 01.01.1993. She further alleged that her elder son Wajid Khan was born on 01.01.2003 and her other son namely Mohib Ullah was born on 04.04.2007 and there is unnatural gape between her date of birth mentioned in her record with the defendants and date of births of her sons. She prayed that correction may

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be made in her record with the defendants and her correct date of birth i.e 01.01.1982 may be entered instead of 01.01.1993. She alleged that the defendants were asked time and again for correction of date of birth of the plaintiff but they refused to do so, hence, the present suit;

2. Defendants were summoned, who appeared before the court through their representative and contested the suit by filing their written statement.

3. Divergent pleadings of the parties were reduced into the following issues;

**Issues:**

1. *Whether the plaintiff has got cause of action?*
2. *Whether the suit of the plaintiff is within time?*
3. *Whether the correct date of birth of the plaintiff is 01.01.1982 instead of 1993 and the same is liable to correction in her record with the defendants?*
4. *Whether plaintiff is entitled to the decree as prayed for?*
5. *Relief?*

Parties were given opportunity to produce evidence in support of their respective claims. The plaintiff produced and recorded the statements of following PWs;

Plaintiff Mst. Shada w/o Min Jaleel appeared in person as PW-01 and stated that her correct date of birth is 01.01.1982, while the same has been wrongly entered as 01.01.1993 in her record with the defendants.

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She produced birth certificate of her elder son Wajid Khan, which is Ex.PW-1/1, wherein his date of birth is entered 01.01.2003 and the same is unnatural gap between the births of mother and son. Her CNIC is Ex.PW-1/2. She stated that due to unnatural gape of birth with her son, there is difficulty in preparation of his registration form.

Muhammad Yonus s/o Noor Rehman, R/O Shna Wari, district Hangu, appeared as PW-02 and affirmed the stance of the plaintiff during the statement. Both the PWs were cross-examined by the counsel for the defendants.

PW-03 is the statement of Muhammad Rafiq s/o Mir Khan. He appeared and stated that the correct date of birth of the plaintiff is 01.01.1982 and the same has been wrongly entered in her record with the defendants as 01.01.193 which amounts to unnatural gape with her son namely Wajid Khan who born on 01.01.2003 according to his birth certificate Ex.PW-1/1.

On the other hand, representative for NADRA, Irfan Hussain recorded his statement as DW-01, wherein he has alleged that plaintiff and her 02 brothers being triplites have the same date of birth i.e 01.01.1993. He admitted that there is unnatural gape between the date of birth of the plaintiff and her elder son. He also admitted that according to birth certificate, the date of birth of the elder son of the plaintiff namely Wajid Khan as 01.01.2003. He further admitted that due to such

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unnatural gape, they are unable to process the registration form "B" for them.

After closing of evidence of the parties, arguments of the learned counsel for the parties were heard and available record perused.

My Issue wise findings are as under: -

**Issue No. 02:**

The plaintiff recorded her statement as PW-01, during which she exhibited her CNIC available on the case file as Ex.PW-1/2. The date of issuance mentioned on Ex.PW-1/2, is 08.03.2019 while the instant suit has been brought on 13.05.2023 after about 04 years of the issuance of CNIC with alleged wrong entry of her date of birth. Under the law, limitation provided for filing declaratory suit is 06 years, therefore, the instant suit is withing time. The issue is decided in positive.

**Issue No. 03:**

The plaintiff alleged that her correct of birth is 01.01.1982, while the same has been wrongly entered in her record with the defendants as 01.01.1993. During evidence, she exhibited the birth certificate of her elder son Wajid Khan, wherein his date of birth is mentioned as 01.01.2003, which amounts to unnatural gape between the date of births of mother

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and son. It has not been controverted by the defendants that Wajid Khan is not her real son. Furthermore, defendants in their evidence as DW-01, has admitted the factum of unnatural gape of birth between the plaintiff and her son and also stated that due to such unnatural gape of births, they are not issuing form "B" to them. The statements of PWs are fully supporting the version of the plaintiff. The alleged correction will increase the age of the plaintiff by about more than 09 years in her record with the defendants, which will not adversely affect the rights of others if such correction is made. In order to issue registration form in favour of the family of the plaintiff and to remove hurdles in their future documentation, such correction is necessary and if the same is not made, the plaintiff and her family will be the ultimate sufferers. Issue is decided in positive.

**Issue No. 01 & 04:**

Both these issues are interlinked, hence, taken together for discussion.

As sequel to my findings on issue No. 03, the plaintiff has proved through cogent evidence that her correct date of birth is 01.01.1982 instead of 01.01.1993. Issue No. 01 & 04 are decided in positive.

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**RELIEF:**

As sequel to my above issue wise findings, the plaintiff proved her case through cogent evidence, therefore suit of the plaintiff is hereby decreed as prayed for with no order as to cost.

File be consigned to the Record Room after its completion and compilation.

**Announced**  
28.09.2023

*J. Azeem*  
28.9.23  
(Bakht Zada)  
Senior Civil Judge,  
Orakzai (at Baber Mela)

**CERTIFICATE**

Certified that this judgment of mine consists of six (06) pages, each has been checked, corrected where necessary and signed by me.

*J. Azeem*  
28.9.23  
(Bakht Zada)  
Senior Civil Judge,  
Orakzai at (Baber Mela)