

**IN THE COURT OF SYED ABBAS BUKHARI,**  
CIVIL JUDGE-II, TEHSIL COURTS, KALAYA, ORAKZAI

Civil Suit No. . . . . 62/1 of 2023  
Date of Original Institution: . . . . . 05.09.2023  
Date of Decision: . . . . . 28.09.2023

**Adam Saz Khan S/O Niaz Bat Khan**, resident of Qoum  
Utman Khel, Tappa Aba Khel, Tehsil Lower, District: Orakzai.

.....(Plaintiff)

**VERSUS**

1. Chairman, NADRA, Islamabad
2. Director General NADRA, Peshawar.
3. Assistant Director, NADRA District Orakzai

.....(Defendants)

*Syed Abbas Bukhari*  
**SYED ABBAS BUKHARI**  
 Civil Judge, II  
 Tehsil Courts Kalaya

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

**JUDGMENT**

1. Brief facts of the case in hand are that plaintiff has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct date of birth of plaintiff is **03.04.1970**, while defendants have wrongly entered the same as 03.04.1962 in their record, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were asked time and again to do the aforesaid correction but they refused, hence, the present suit;

2. Defendants were summoned, they appeared through their representative and filed written statement whereby they objected the suit on factual and legal grounds.
3. Divergent pleadings of the parties were reduced into the following issues;

Issues:

1. Whether the plaintiffs have got a cause of action? OPP
2. Whether the correct date of birth of plaintiff is **03.04.1970** as per school record while it has been incorrectly entered as 03.04.1962 in his CNIC by defendants? OPP
3. Whether the plaintiff is entitled to the decree as prayed for? Relief?

Issue wise findings of this court are as under: -

Issue No. 02:

The plaintiff alleged in his plaint that correct date of birth of plaintiff is **03.04.1970**, while defendants have wrongly entered the same as 03.04.1962 in their record which is wrong, ineffective upon the rights of plaintiff and liable to be corrected.

The plaintiff produced witnesses in whom Adam Saz Khan S/O Niaz Bat Khan, the plaintiff himself, appeared as PW-01. He stated that his correct date of birth is 03.04.1970 while defendants have incorrectly entered the same as 03.04.1962 in his CNIC. He further stated that his parents are alive and have unnatural gaps with his parents. He produced his CNIC, mother CNIC,

father CNIC and Certificate which are Ex. PW-1/1 to Ex. PW-1/4 respectively. He lastly requested for the decree of the suit. During cross examination he stated that he made his Passport. I read to 8<sup>th</sup> Class. I get education from Toti Bagh School.

Senjab Khan S/O Niaz Bat Khan, the, appeared as PW-02. He stated that he is record keeper of the concerned School and he produced the admission register which is Ex. PW-2/, and according to that the date of birth of plaintiff is 03.04.1970. During cross examination he stated that today I produced the original admission and withdrawal register and further nothing tangible has been extracted out of him.

  
SYED ASIM ALI  
28/01/2018  
Civil Judge (M-1)  
Tehsil Courts Malaya

Sarfaraz Khan S/O Gula Khan, appeared and deposed as PW-03. He supported the stance of the plaintiff as narrated in the plaint. During cross examination nothing tangible has been extracted out of him.

In order to counter the claim of the plaintiff, defendants produced only one witness, the representative of the defendants who appeared as DW-01. He produced Family Trees of plaintiff which are Ex. DW-1/1 & Ex. DW-1/2 and according to that plaintiff was made his English CNIC. He further stated that there are two brothers of the plaintiff according to NADRA

record which are younger than plaintiff. During cross examination he stated that if there exist an unnatural gaps in date of birth that can be corrected according to NADRA SOPs. He further admitted that it is correct that in school record the date of birth of plaintiff is correctly mentioned as 30.04.1970. He further admitted that in Ex. PW-1/1, Ex. PW-1/2 & Ex. PW-1/3 (CNICs of plaintiff and his parents), there exist an unnatural gaps between the ages of plaintiff and their parents.

In light of above discussion as plaintiff succeeded to prove his stance by producing documentary, cogent, convincing and reliable evidence and nothing in rebuttal has been brought on record by the opposite party. Furthermore it is also pertinent to mention here that there exist unnatural gap between ages of plaintiff and his parents. The age difference between the age of plaintiff and his parents is against the order of nature and impossible. Furthermore, the correct date of birth of plaintiff has been mentioned on serial no. 07 in the admission & withdrawal register of school which also strengthen the stance of plaintiff, accordingly, the issue in hand is hereby decided in positive.

**Issue No. 01 & 03:**

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

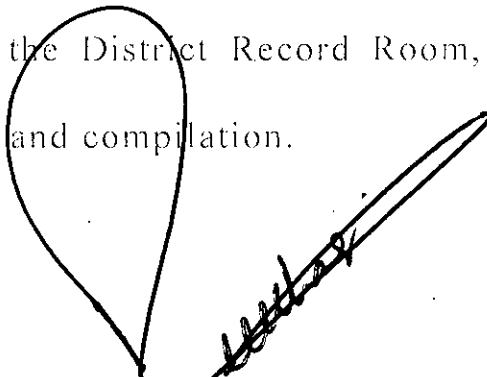
As sequel to my findings on issue No. 02 the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Thus, both these issues are decided in positive.

**RELIEF:**

As sequel to my above issue wise findings, the suit of the plaintiff is hereby **decreed** as prayed for. No order as to costs.

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

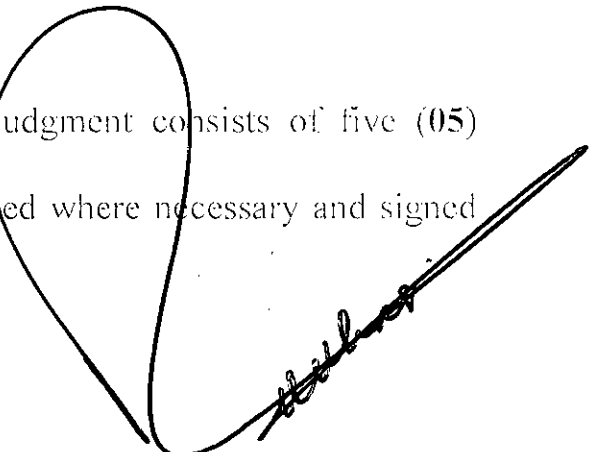
**Announced**  
**28.09.2023**



**Syed Abbas Bukhari**  
Civil Judge-II,  
Tehsil Court, Kalaya, Orakzai

**CERTIFICATE**

Certified that this judgment consists of five (05) pages, each has been checked, corrected where necessary and signed by me.



**Syed Abbas Bukhari**  
Civil Judge-II,  
Tehsil Court, Kalaya, Orakzai