

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

Civil Suit No. 72/1 of 2023
Date of Original Institution: 25.09.2023
Date of Decision: 12.10.2023

Mst. Janat Bibi Widow of Malak Jan, resident of Qoum Feroz Khel, Tappa Jaisal Khel, Tehsil Lower, District: Orakzai.

.....(Plaintiff)

VERSUS

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

.....(Defendants)

SUIT FOR DECLARATION -CUM- PERPETUAL AND MANDATORY INJUNCTION

JUDGMENT

1. Brief facts of the case in hand are that attorney for the plaintiff Israil Khan 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 **01.01.1962**, while defendants have incorrectly entered the same as 1967 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;

(Signature)
 SYED ABBAS BUKHARI
 Civil Judge-II
 Tehsil Court, Kalaya

- 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:

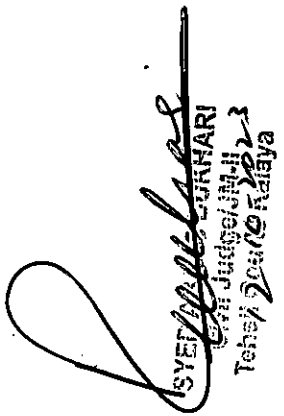
- 1. Whether the plaintiff has got a cause of action? OPP
- 2. Whether the correct date of birth of plaintiff is **01.01.1962** while it has been incorrectly entered as 1967 in her CNIC by defendants? OPP
- 3. Whether the plaintiff is entitled to the decree as prayed for?
- 4. Relief?

Issue wise findings of this court are as under: -

Issue No. 02:

The plaintiff alleged in her plaint that correct date of birth of plaintiff is **01.01.1962**, while defendants have incorrectly entered the same as 1967 in their record which is wrong, ineffective upon the rights of plaintiff and liable to be corrected.

The plaintiff produced witnesses in whom Israil Khan S/O Malak Jan, the attorney for plaintiff, appeared as PW-01. He stated correct date of birth of plaintiff is 01.01.1962 while defendants have incorrectly entered the same as 1967 in her CNIC. He further stated that there exist an unnatural gap of 13 years between plaintiff and her son namely Arif Khan.




SYED AKMAL LURNARI
 CIVIL JUDGE/JR II
 Tehsil Dera Ghalay

He produced special power of attorney, CNIC of plaintiff and CNIC of plaintiff's son are Ex. PW-1/1 to Ex. PW-1/3 respectively. During cross examination he stated that one Arif Khan is her elder son. He further stated that there exist 13 years an unnatural gap between plaintiff and her son.

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 processing form of plaintiff which is Ex. DW-1/1 and processing form of plaintiff's son Arif Khan which is Ex. DW-1/2, according to which plaintiff's date of birth is 1967 while her son namely Arif Khan date of birth is 01.01.1980. During cross examination he admitted that there exist an unnatural gap of 13 years between plaintiff and her son.

In light of above discussion as plaintiff succeeded to prove her stance by producing 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 her son. The age difference between the age of plaintiff and her son is against the order of nature and impossible,


SYED AKBAR BUKHARI
Civil Judge/JM-II
12th/06/2018
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accordingly, the issue in hand is hereby decided in positive.

Issue No. 01 & 03:

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

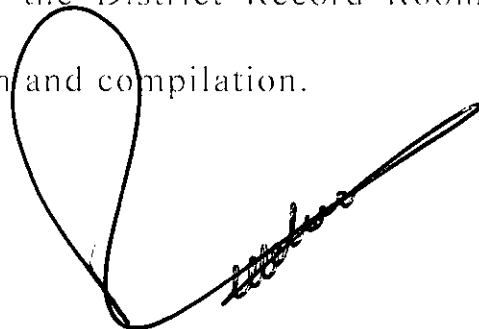
As sequel to my findings on issue No. 02 the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Thus, both these issues are decided in positive.

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.

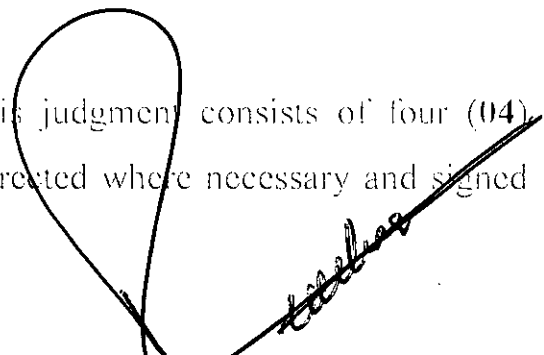
Announced
12.10.2023



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

CERTIFICATE

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



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