

**IN THE COURT OF REHMIAT ULLAH WAZIR,**  
**CIVIL JUDGE-I CAMP COURT KALAYA, ORAKZAI**

Civil Suit No.	01/1 of 2021
Date of Original Institution:	25/11/2020
Date of Transfer in	18.06.2021
Date of Decision:	21/06/2021

1. **Mehmood Khan S/O Yaqoob Shah, Section Mishti, Tapa Darvi Khel, Tehsil Central District Orakzai.**
2. **Bibi Jana W/O Lahore Shah, Section Mishti, Tapa Darvi Khel, Tehsil Central District Orakzai**

*(Plaintiffs)*

VERSUS

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

*(Defendants)*

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

1. Plaintiffs, **Mehmood Khan and Bibi Jana**, have brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that the correct date of birth of the plaintiff Mehmood Khan is **20.02.1999** while it has been wrongly mentioned in his CNCI as 01.01.1993 and that of plaintiff Bibi Jana is **01.01.1997**, while it has been wrongly mentioned as 01.01.1983 in her CNIC by the defendants, while the date of birth of their mother namely Sheerena Bibi is 01.01.1980, thus, there is an unnatural gap of 13 years approximately between the date of birth of the plaintiff no.1 with his mother and similarly difference between dates of birth of the plaintiff no.2 with her mother is 3 years, Which is wrong, ineffective upon the rights

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of the plaintiffs and liable to correction. That defendants were repeatedly asked to correct the date of birth of plaintiffs but they refused, hence, the instant 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 plaintiffs have got cause of action?
2. Whether the correct date of birth of plaintiff No. 1 is **20.02.1999** while defendants have erroneously recorded the same as 01.01.1993?
3. Whether the correct date of birth of plaintiff No. 2 is **01.01.1997** while defendants have erroneously recorded the same as 01.01.1983?
4. Whether the plaintiffs are entitled to the decree as prayed for?
5. Relief?

Parties were given an opportunity to produce evidence which they did

accordingly.

Issue wise findings of this court are as under:

**Issue No. 02 & 03:**

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

The plaintiffs alleged in their plaint that the correct date of birth of the plaintiff Mehmood Khan is **20.02.1999** while it has been wrongly mentioned in his CNIC as

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01.01.1993 and that of plaintiff Bibi Jana is **01.01.1997**, while it has been wrongly mentioned as 01.01.1983 in her CNIC by the defendants, while the date of birth of their mother namely Sheerena Bibi is 01.01.1980, thus, there is an unnatural gap of 13 years approximately between the date of birth of the plaintiff no.1 with his mother and similarly difference between dates of birth of the plaintiff no.2 with her mother is 3 years, Which is wrong, ineffective upon the rights of the plaintiffs and liable to correction.

For this the plaintiffs produced witnesses, in whom Mr. Mehmood Khan, the plaintiff no.1 for himself and as a special attorney for plaintiff no.2 appeared as PW-01, who produced his CNIC as Ex. PW-1/2, the CNIC of the plaintiff no. 2 as Ex. PW-1/3, his matriculation certificate is Ex.PW-1/4, wherein his date of birth is 20.02.1999, the CNIC of his mother as Ex. PW-1/5 bearing her date of birth as 01.01.1980 and further narrated the same story as in his plaint. Further Mr.

Aman Ullah Khan and Mr. Zahid Sultan appeared as PW-02 and PW-03 respectively, who both supported the stance of the plaintiffs.

In order to counter the claim of the plaintiffs, the defendants produced only one witness, as Mr. Syed Farhat Abbas, the representative of the defendants appeared as DW-1, who produced the CNIC processing detail form of the plaintiff

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no. 1 as Ex-DW 1/1, the Family tree of the plaintiff no. 1 as Ex-DW 1/2, Family tree of the plaintiff no. 2 as Ex. DW-1/3 CNIC processing form of the plaintiff no. 2 as Ex. DW-1/4 but admitted in his cross examination that it is correct that the plaintiffs are brother and sister inter se.

Arguments heard and record perused.

After hearing of arguments and perusal of record I am of the opinion that the date of birth of the mother of the plaintiffs is admittedly mentioned as 01.01.1980 in the record of the defendants then how naturally the plaintiff no. 2 can born naturally on 01.01.1983 while the plaintiff no. 2 on 01.01.1993. Thus, there as an unnatural gap between the dates of birth of the plaintiffs and that of their mother which would create problems for the plaintiffs in future. Therefore, in the light of aforesaid findings both these issued are decided in positive.

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**Issue No. 01 & 04:**

Both these issues are interlinked, hence, taken together for discussion. As sequel to my findings on issue No. 2&3, the plaintiffs have got a cause of action and therefore entitled to the decree as prayed for. Both these issues are decided in positive.

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**RELIEF:**

As sequel to my above issue wise findings, the suit of the plaintiff is hereby decreed as prayed for.

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

**Announced**  
21/06/2021



(Rehmat Ullah Wazir)  
Civil Judge-I,  
Camp Court Kalaya, Orakzai.  
REHMAT ULLAH WAZIR  
CIVIL JUDGE/JM-1  
CAMP COURT  
KALAYA ORAKZAI

**CERTIFICATE**

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



(Rehmat Ullah Wazir)  
Civil Judge-I,  
Camp Court Kalaya, Orakzai.  
REHMAT ULLAH WAZIR  
CIVIL JUDGE/JM-1  
CAMP COURT  
KALAYA ORAKZAI