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

Civil Suit No. 04/1 of 2020
Date of Original Institution: 10/12/2020
Date of Transfer in: 18/06/2021
Date of Decision: 09/07/2021

1. Farah Shereen D/O Hadayat Ali, R/O Tapa Eisa Khel, Ahmad Khel, PO Kalaya, Tehsil Lower, District Orakzai.

(Plaintiff)

VERSUS

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

(Defendants)

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

JUDGEMENT:

- Plaintiff Farah Shereen D/O Hadayat Ali has brought the instant suit for declaration-cum-permanent injunction against defendants Chairman NADRA, Islamabad, Pakistan, Director General NADRA, Peshawar, KPK and Assistant Director, District Orakzai seeking therein that correct date of birth of the plaintiff is **10.03.1999** according to her Secondary School Certificate and Detailed Marks Certificate, while it has been wrongly entered as 29.11.1990 in her CNIC, which is wrong and ineffective upon the rights of the plaintiff and is liable to correction. 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;

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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 correct date of birth of the plaintiff is **10.03.1999** while the same have been wrongly entered in her CNIC as 29.11.1990?
3. Whether the plaintiff is entitled to the decree as prayed for?
4. 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:

The plaintiff alleged in her plaint that her correct date of birth is **10.03.1999** according to her Secondary School Certificate and Detailed Marks Certificate while it has been wrongly entered as 29/11/1990 in her CNIC, which is wrong and ineffective upon the rights of the plaintiff and is liable to correction. 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.

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The plaintiff produced witnesses, in whom Ism-e-Ali special attorney/uncle of the plaintiff, appeared as PW-1, who produced the special power of attorney, CNIC, Secondary School Certificate, Matric DMC, FA DMC, Intermediate Certificate and CNIC of the plaintiff which are exhibited as Ex. PW-1/1, Ex. PW-1/2, Ex. PW-1/3, Ex. PW-1/4, Ex. PW-1/5, Ex. PW-1/6 and Ex. PW-1/7 respectively, and further fully narrated the same story as in her plaint. Further, Hadayat Ali, father of the plaintiff appeared as PW-02, who produced his CNIC which is exhibited as Ex. PW-2/1 and further fully supported the stance of the plaintiff by narrating the same story as in the plaint. All the witnesses are cross examined but nothing tangible have been extracted out of them during cross examination.

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

which is Ex-DW-1/1, the form A of the plaintiff which is Ex-DW-1/2 and Family tree of the plaintiff which is Ex-DW-1/3.

But during cross examination, he admitted that he does not know the fact that the plaintiff is a matriculate.

Arguments heard and record perused.

After hearing of arguments and perusal of record I am of the opinion that the plaintiff mainly relies on her school record

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and school certificates which are public documents and bear the presumption of truth unless rebutted. Also, the representative of the defendants has not objected over the aforesaid documents when they were exhibited which legally results into admission on the part of the defendants. Thus, the plaintiff established her claim through cogent and reliable evidence, therefore, the issue is 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. 2, 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.

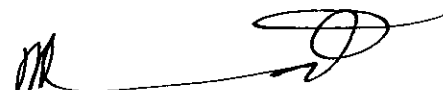
RELIEF:

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

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

Announced

09/07/2021



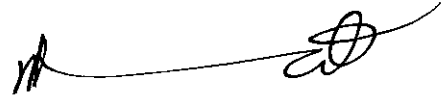
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CERTIFICATE

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


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Camp Court, Kalaya, Orakzai

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