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

Civil Suit No. 71/1 of 2023  
Date of Original Institution: 25.09.2023  
Date of Decision: 17.10.2023

**Mst. Begum Jan W/O Qabeel Khan**, resident of Qoum Mani  
Khel, Tappa Sabzi 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 Tariq 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 **01.01.1958**, while defendants have incorrectly entered the same as 1970 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 plaintiff has got a cause of action? OPP
2. Whether the correct date of birth of plaintiff is **01.01.1958** while it has been incorrectly entered as 1970 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 **01.01.1958**, while defendants have incorrectly entered the same as 1970 in their record which is wrong, ineffective upon the rights of plaintiff and liable to be corrected.

The plaintiff produced witnesses in whom Tariq Khan S/O Qabeel Khan, the attorney/son of plaintiff, appeared as PW-01. He produced his CNIC and special power of attorney which are Ex. PW-1/1 & Ex. PW-1/2

respectively. He stated that plaintiff is his real mother and her correct date of birth is 01.01.1958 where defendants have incorrectly entered the same as 1970 in their record, due to which there exist 05 years an unnatural gap of five years with her elder daughter namely Noorsaka. Similarly there exist an unnatural gap of eight years with her son namely Jameel Khan. He produced CNIC of plaintiff, CNIC of Noorsaka, CNIC of Jameel Khan and CNIC of Amtola Jan which are Ex. PW-1/3 to Ex. PW-1/6 respectively. During cross examination nothing tangible has been extracted out of him.

Asif Ali S/O Iswan Ali, appeared and deposed as PW-02. He also supported the stance of plaintiff as narrated in the plaint. The witness has been cross examined but nothing contradictory 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 tree of plaintiff which is Ex. DW-1/1, according to which plaintiff's date of birth is 1967 while her son namely Arif Khan, date of birth is 1970. He stated that the date of birth of plaintiff's elder son namely Jameel Khan is 1983. He further stated that

the date of birth of other son of plaintiff is 15.02.1978. 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, 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.

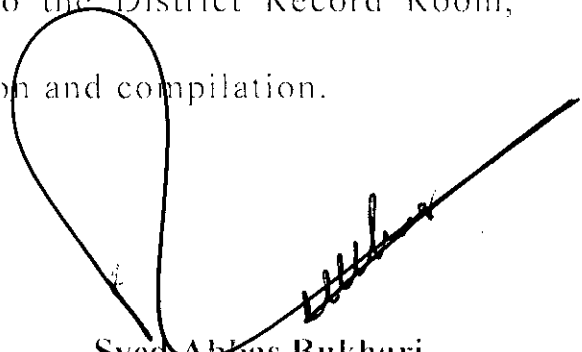
**RELIEF:**

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

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

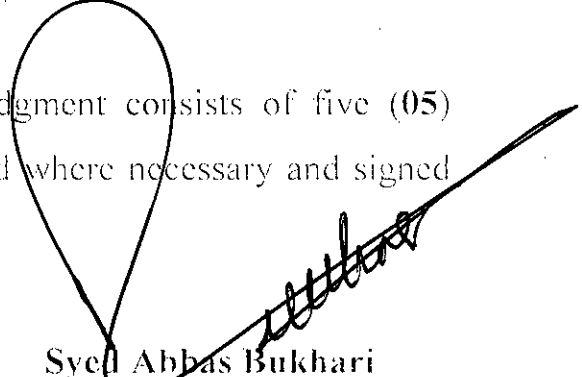
Announced  
17.10.2023



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