

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

Civil Suit No.	77/1 of 2023
Date of Original Institution:	09.10.2023
Date of Decision:	03.11.2023

Amjad Ali S/O Liaqat Ali, resident of Qoum Feroz Khel,
Tappa Ghairat Khel, Meerbak District Orakzai.

.....(Plaintiff)

VERSUS

1. Chairman NADRA Islamabad.
2. Director General NADRA, Khyber Pakhtunkhwa, Peshawar.
3. Assistant Director, NADRA District Orakzai.
4. Principal Government High School, Kalaya Orakzai.

.....(Defendants)

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

JUDGMENT

1. Brief facts of the case in hand are that plaintiffs have 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 **02.08.2002** and correct name is **Amjad Ali** while defendants no. 01 to 03 have wrongly entered the date of birth of plaintiff is 01.01.1997 and Amjad Khan in their record, which are wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants no. 01 to 03

were asked time and again to do the aforesaid correction but they refused, hence, the present suit;

2. Defendants were summoned, Defendants no. 01 to 03 appeared through their representative while defendant no. 04 properly served but he did not appear before the court, hence placed and proceeded ex-parte. Defendants no. 01 to 03 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 **02.08.2002** and correct name is Amjad Ali while defendants no. 01 to 03 have incorrectly entered the same as 01.01.1997 and Amjad Khan respectively? 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 his plaint that correct date of birth of plaintiff is **02.08.2002** and correct name is **Amjad Ali** while defendants no. 01 to 03 have incorrectly entered the same as 01.01.1997 and Amjad Khan respectively in their record, which are wrong, ineffective upon the rights of the plaintiff and is liable to correction.

The plaintiff produced witnesses in whom Amjad Ali S/O Liaqat Ali, plaintiff himself, appeared as PW-01. He stated that he has passed 8th class from Kalaya School and according to birth certificate his date of birth is 02.08.2002, which is Ex. PW-1/1. He further stated that his father and mother dates of birth are 1980 and 1985 respectively and according to his mother date of birth there exist an unnatural gap of 12 years. He produced his father and mother CNICs which are Ex. PW-1/2 & Ex. PW-1/3 respectively. He lastly requested for correction of his date of birth. During cross examination he stated that he leave his education. He further stated in his cross examination that he has two brothers one is Rayat Khan and Tufeeq Khan which are elders than me and they are abroad.

Alaf Khan S/O Nawab Ali, appeared and deposed as PW-02. He stated that there exist unnatural gap of plaintiff with his mother. He stated that correct name of plaintiff is Amjad Ali but defendants no. 01 to 03 have incorrectly entered the same as Amjad Khan. He lastly requested for correction. His CNIC is Ex. PW-2/1.

In order to counter the claim of the plaintiffs, defendants no: 01 to 03 produced only one witness, the representative of the defendants no. 01 to 03 who appeared as DW-01. He produced family tree of

Handwritten signature and stamp:
 SUIF
 SUKUMARI
 CIVIL JUDGE (Jr)
 02-11-2023
 Kalaya

plaintiff which is EX. DW-1/1, according to which plaintiff's date of birth is 01.01.1997 and his mother's date of birth is 01.01.1985. Family tree is Ex. PW-1/1 & Ex. PW-1/2. He further stated that plaintiffs have two brothers and their dates of birth are 01.01.1995 and 02.12.1996 and they are Matriculate. He further stated that there exist unnatural gap between the ages of elders brothers of the plaintiff with their mother. During cross examination he stated that it is correct that date of birth of plaintiff's father is 1980. It is further correct that Khan is mentioned as surname of plaintiff in his CNIC while in his birth certificate his surname is mentioned is Ali. He further stated that there exist unnatural gap of 10 years, 11 years and 12 years between the age of plaintiff's brother and plaintiff respectively with their mother.


 SYED ASAD
 CIVIL ENGINEER
 03-11-2024

In light of above evidence produced by plaintiff it is necessary to mention here that there exist an unnatural gap of 12 years between the age of plaintiff and his mother. Furthermore; DW-01 also admitted in his cross examination that there exist an unnatural gap between age of plaintiff and his mother. Furthermore as far as the unnatural gap between the age of plaintiff's brothers with their mother is concerned, it is pertinent to mention here that neither they are party to the instant

suit nor they have sought any relief from this court. Moreover the unnatural gap of plaintiff's brothers with their mother does not effect the rights of plaintiff.

In light of above discussion, plaintiff succeeded to prove the issue in hand through cogent, reliable and convincing evidence, hence the issue in hand is decided in positively in favor of plaintiff and against defendants no. 01 to 03.

Issue No. 01 & 03:

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

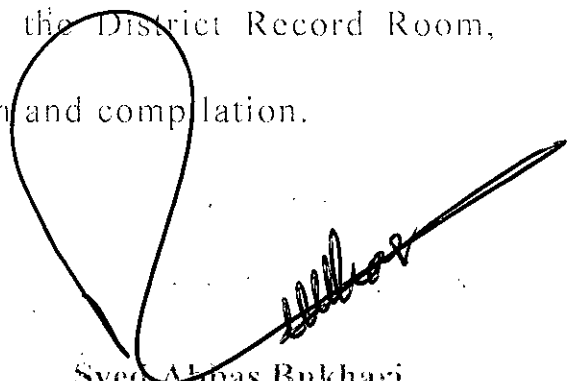
As sequel to my findings on issue No: 02 the plaintiffs have got a cause of action and therefore entitled to the decree as prayed for. Thus, both these issues are decided in positive.

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
03.11.2023

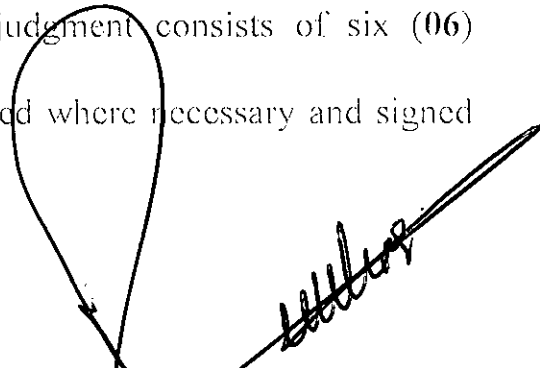

Syed Abbas Bukhari

Civil Judge-II,

Tehsil Court, Kalaya, Orakzai

CERTIFICATE

Certified that this judgment consists of six (06) pages, each has been checked, corrected where necessary and signed by me.



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