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**IN THE COURT OF FARMAN ULLAH,**  
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 14/1 of 2021  
Date of Institution: 19/02/2021  
Date of Decision: 28/10/2021

**Fazal Hadi s/o Noor Zali Khan**

Section Mula Khel Sub Section Qutab Khel, P/O Ghiljo Tehsil Upper & District  
Orakzai..... (Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA Hayatabad KP.**
3. **Assistant Director, Registration NADRA District Orakzai.**

(Defendants)

**SUIT FOR DECLARATION, PERMANENT & MANDATORY INJUNCTION**

**JUDGEMENT:**

28.10.2021

Brief facts of case in hand are that the plaintiff, **Fazal Hadi s/o Noor Zali Khan**, has brought the instant suit through **Zeenat Bibi w/o Noor Zali Khan** for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that his correct date of birth is **03.02.2006**, which has been correctly mentioned in his educational record, while defendants have wrongly mentioned the same as **01.01.2002** in their record, which is incorrect and liable to be corrected. That defendants were repeatedly asked to correct their record but they refused. Hence, the present suit.

Defendants were summoned, who appeared through attorney namely Syed Farhat Abbas and submitted written statement, wherein they contested the suit of plaintiff on various grounds.

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Divergent pleadings of the parties were reduced into the following issues;

**Issues:**

1. Whether plaintiff has got cause of action?
2. Whether suit of the plaintiff is within time?
3. Whether the correct date of birth of the plaintiff is "03.02.2006" while defendants have wrongly mentioned the same as "01.01.2002" in their record?
4. Whether plaintiff is entitled to the decree as prayed for?
5. Relief.
6. Parties were provided opportunity to produce evidence in support of their respective contention, which they did. Plaintiff produced his witnesses as PW-1 to PW-3.
7. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the family tree of the plaintiff and exhibited the same as Ex. DW-1/1.


After conclusion of the evidence arguments pro and contra heard. Case file is gone through.

9. My issues wise findings are as under:

**Issue No.03:**

Plaintiff contended in his plaint that his correct date of birth is 03.02.2006, which has been correctly mentioned in his educational documents and birth certificate, but inadvertently the same was recorded as 01.01.2002 in NADRA record. Hence, the record is liable to be corrected.

Plaintiff in support of his contention produced his attorney as PW-1 and he repeated the contents of plaint in his examination in chief:

  
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He also produced birth certificate of the plaintiff, as Ex.PW-1/2, wherein, the date of birth of plaintiff has been recorded as 03.02.2006. PW-2, Fazal Haleem, stated in his examination in chief that plaintiff is his brother and correct date of birth of plaintiff is **03.02.2006**, which is also correctly recorded in his school record. PW-3 Jahanzeb Khan, who is headmaster of Govt Middle School Merobak Hangu, produced register of admission and withdrawal as Ex.PW-3/1 while school leaving certificate as Ex.PW-3/2. The perusal of both the documents depict that date of birth in his school record has been recorded as 03.02.2006. Similarly, PW-1 and PW-2 were subjected to cross examination but nothing substantial was brought on record which could have shattered their testimony rather they remained consistent regarding the facts uttered by them in their examination in chief. So the oral and documentary evidence of the plaintiff supports his contention and from which it is established that correct date of birth of plaintiff is 03.02.2006. The incorporation of date of birth of the plaintiff as **01.01.2002** in the record of NADRA appears to be a mistake. Hence, the issue No. 3 is decided in positive.

**Issue No. 02:**

Perusal of record reveals that though Form 'B' was issued to the plaintiff on 06.09.2007 while plaintiff filed instant suit on 19.02.2021 by challenging his date of birth mentioned in his Form B yet record shows that plaintiff is still minor as his correct date of birth is 03.02.2006, hence limitation as per S.6 of Limitation

  
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Act, 1908 shall be reckoned when his minority ceased. Being such a position the suit in hand is within time, hence, issue is decided in positive.

**Issue No. 01 & 04:**

These issues are taken together. For what has been held in issue No. 3, this court is of the opinion that plaintiff has got cause of action and he is entitled to the decree as prayed for.

The issues are decided in positive.

**Relief:**

Consequently, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct their record by incorporating the date of birth of the plaintiff as **03.02.2006** in their record. Parties are left to bear their own costs.

10. File be consigned to the record room after its completion and compilation.

**Announced**  
28/10/2021

**FARMANULLAH**  
Senior Civil Judge  
Orakzai at Baber Mela  
(Farman Ullah)  
Senior Civil Judge,  
Orakzai (at Baber Mela).

**CERTIFICATE**

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

**FARMANULLAH**  
Senior Civil Judge  
Orakzai at Baber Mela  
(Farman Ullah)  
Senior Civil Judge,  
Orakzai (at Baber Mela).