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

Civil Suit No. 02/1 of 2020  
Date of Original Institution: 19/06/2020  
Date of Transfer in: 18/06/2021  
Date of Decision: 06/12/2021

**Zakhela Jan W/O Habib Khan, R/O Qoum Bar Muhammad  
Khel, Tappa Khuidad Khel, PO Kadda, 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:**

1. Plaintiff Zakhela Jan W/O Habib Khan 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 1975 according to her Service Record, while it has been wrongly entered as 1955 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;
2. Defendants were summoned, who appeared before the court through their representative and contested the suit by filing their written statement.

*M*  
REHMAT ULLAH WAZIR  
CIVIL J.  
CAMP COURT  
KALAYA ORAKZAI

plaintiff as in the plaint. Further Mr. Mehtab Habib, the Clerk Health Department, Orakzai, appeared as PW-03, who produced the copies of Service Book, Domicile, Dae Certificate and appointment order of the plaintiff which are Ex. PW-3/1 to Ex. PW-3/4 respectively and that according to these documents the date of birth of the plaintiff is 1975. 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 literate.

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 Service Records which are public documents and bear the presumption of truth unless rebutted. Also, the representative of the defendants has not objected over the aforesaid document 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.

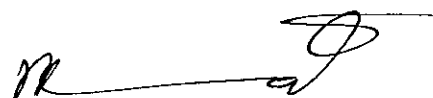
As sequel to my findings on issue No. 2, the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Thus, both these issues are decided in positive.

**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.

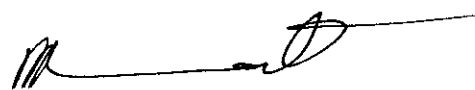
**Announced**  
**06.12.2021**



**(Rehmat Ullah Wazir)**  
Civil Judge-I,  
Camp Court, Kalaya, Orakzai

**CERTIFICATE**

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



**(Rehmat Ullah Wazir)**  
Civil Judge-I,  
Camp Court, Kalaya, Orakzai