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

Civil Suit No.	37/1 of 2020
Date of Original Institution:	23.12.2020
Date of institution at Camp Court Kalaya	28.06.2021
Date of Decision:	18.01.2022

Gulshadi Jan D/O Habib Ali, R/O Qoum Stori Khel, Tappa Tazi Khel, Shamar, 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**

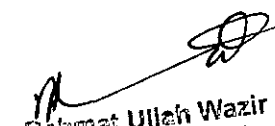
JUDGEMENT:

1. Plaintiff Gulshadi Jan D/O Habib Ali has brought the instant suit for declaration-cum-permanent injunction against the 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 **01.01.1978**, correct father's name of the plaintiff is **Habib Ali** and correct address of the plaintiff is **Qaum Stori Khel, Tappa Tazi Khel, Shamar, P.O. Tazi Khel, Lower Orakzai** while these have been wrongly entered as 01.01.1970, Mirza Ali and Qoum Mani Khel, Tappa Merwas Khel, Shamar, PO Tazi Khel, Tehsil Lower, District Orakzai respectively in her CNIC,


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because the date of birth of the mother of the plaintiff is 1960, thus, there is an unnatural gap of 10 years approximately between the dates of birth of the plaintiff and her mother as per the record of the defendants, which are 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, father name and address 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.
3. Divergent pleadings of the parties were reduced into the following issues;


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Issues:

1. Whether the plaintiff has got cause of action?
2. Whether the correct date of birth of the plaintiff is **01.01.1978**, correct father name of the plaintiff is Habib Ali and correct caste is **Qoum Stori Khel, Tappa Tazi Khel, Shamar, P.O. Tazi Khel, Lower Orakzai** while defendants have wrongly mentioned the date of birth of the plaintiff as **01.01.1970**, father name as **Mirza Ali** and caste as **Qoum Mani Khel, Tappa Merwas Khel, Shamar, P.O Tazi Khel, Tehsil Lower Orakzai** in their record?
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:

4. The plaintiff alleged in her plaint that that correct date of birth of the plaintiff is **01.01.1978**, correct father's name of the plaintiff is **Habib Ali** and correct address of the plaintiff is **Qaum Stori Khel, Tappa Tazi Khel, Shamar, P.O. Tazi Khel, Lower Orakzai** while these have been wrongly entered as 01.01.1970, Mirza Ali and Qoum Mani Khel, Tappa Merwas Khel, Shamar, PO Tazi Khel, Tehsil Lower, District Orakzai respectively in her CNIC, because the date of birth of the mother of the plaintiff is 1960, thus, there is an unnatural gap of 10 years approximately between the dates of birth of the plaintiff and her mother as per the record of the defendants, which are 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, father name and address of the plaintiff but they refused to do so, hence the present suit;

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The plaintiff produced witnesses, in whom Sadaf Ali the neighbor of the plaintiff, appeared as PW-01, who supported the stance of the plaintiff. Further Diltaj Ali, the attorney/maternal cousin of the plaintiff appeared as PW-02, who produced the special power of attorney, CNIC of

the plaintiff, CNIC of the mother of the plaintiff, CNICs of the brothers of the plaintiff which all are exhibited as Ex. PW-2/1 to 2/6 and further stated that as per the CNIC of the mother of the plaintiff, the date of birth of the mother of the plaintiff is 1960 and her husband's name is Habib Ali. That the father's name of the brothers of the plaintiff in their CNICs is mentioned as Habib Ali. 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 form "A" and CNIC processing detail form of the plaintiff which are Ex-DW-1/1 & Ex. DW-1/2.

But during cross examination, he admitted that the father's name of the brothers of the plaintiff in their record is Habib Ali and the name of her mother is mentioned as Sunbal Jan.

Arguments heard and record perused.

After hearing of arguments and perusal of record I am of the opinion that the plaintiff established her case through oral and documentary evidence. Also, the claim of the plaintiff is admitted by representative of the defendants in his cross examination, especially w.r.t her date of birth

because admittedly the one Sunbal Jan is the mother of the
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plaintiff and whose date of birth is 1960 then how it is possible to have the plaintiff as a daughter in 1970 and w.r.t the name of her father because the name of the father of the brothers of the plaintiff is mentioned as Habib Ali. Thus, in the light of the aforesaid finding the issue is decided in positive.

Issue No. 01 &03:

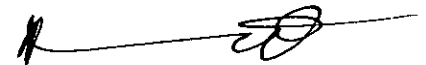
Both these issues are interlinked, hence, taken together for discussion.

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:

5. As sequel to my above issue wise findings, the suit of the plaintiff is hereby decreed as prayed for.
6. File be consigned to the Record Room after its completion and compilation.

Announced
18.01.2022

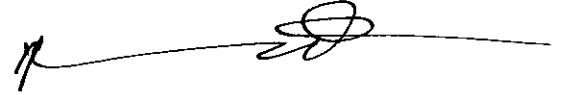


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CERTIFICATE

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



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