

**IN THE COURT OF BAKHT ZADA,**  
***SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA***

Civil Suit No. 31/1 of 2023  
Date of Institution: 27.07.2023  
Date of Decision: 10.11.2023

***Gul Hassan S/O Ghazi Marjan, R/O Qoum Mamozai, Tappa  
Sipaye, Tehsil Upper, District Orakzai.***

***(Plaintiff)***

**VERSUS**

1. *Chairman NADRA, Islamabad.*
2. *Director General NADRA, KPK at Hayat Abad Peshawar.*
3. *Assistant Director NADRA, Orakzai.*

***(Defendants)***

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

**JUDGEMENT:**

10.11.2023

1. Plaintiff Gul Hassan S/O Ghazi Marjan has brought the instant suit against defendants Chairman NADRA, Islamabad and 02 others for declaration-cum-perpetual and mandatory injunction to the effect that his correct date of birth according to his school admission and withdrawal register is 01.01.1985, but the same has been wrongly entered in his record with the defendants as 01.01.1978. He alleged 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 authority letter and written statement.

**BAKHT ZADA**  
Senior Civil Judge  
Orakzai at Baber Mela  
(10.11.23)

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

**Issues:**

1. *Whether the plaintiff has got cause of action?*
2. *Whether the suit of the plaintiff is within time?*
3. *Whether the correct date of birth of the plaintiff is 01.01.1985 while it has been wrongly mentioned by the defendants as 01.01.1978 in their record?*
4. *Whether plaintiff is entitled to the decree as prayed for?*
5. *Relief?*

Parties were given opportunity to produce evidence in support of their respective claims. The plaintiff produced and recorded the statements of following PWs;

**PW-01**, plaintiff Gul Hassan S/O Ghazi Marjan repeated the contents of his plaint and exhibited his copy of birth certificate issued by his school as Ex.PW-1/1. His CNIC is Ex.PW-1/2.

**PW-02 & PW-03**: Mastan Shah (uncle) and Abdul Qayum (relative) appeared as PW-01 and PW-2 and they supported the claim of the plaintiff. Copies of their CNICs are Ex. PW-2/1 & Ex. PW-3/1 respectively.

On the other hand, representative for NADRA, Irfan Hussain recorded his statement as DW-01, wherein he has alleged that the date of birth of the plaintiff according to their record is 01.01.1983. He requested for dismissal of the suit.

After closing of evidence of the parties, arguments of the learned counsel for the parties were heard and available record perused.

**BAKHIT ZADA**  
Senior Counsel  
10.11.23

My Issue wise findings are as under: -

**Issue No. 02:**

The plaintiff has alleged in his plaint before the institution of the instant suit, the defendants refused from making the required correction in his date of birth. The defendants have not categorically denied this fact in their written statement, therefore, admitted facts needs not to be proved. Issue No. 02 is decided in positive.

**Issue No. 03:**

The plaintiff alleged that his correct date of birth is 01.01.1985, but the same has been wrongly entered in his record with the defendants as 01.01.1978.

PW-01 namely Gul Hassan appeared before the court and produced birth certificate issued by head teacher of Muslim Children Academy, Sama Bazar, Mamozai which is Ex. PW-1/1 wherein, date of birth of plaintiff is mentioned as 01.01.1985.

Although, Ex. PW-1/1 has not been produced from proper custody, but the same has neither been shattered during the cross examination by the defendants, nor by producing any contradictory documentary evidence. The statement of Mastan Shah recorded as PW-02 is also an authentic one and the same also has remained unshattered. The plaintiff is neither public servant nor there is any apprehension of damage to any other person because the plaintiff, therefore, on the basis of oral and

BAKHT ZADA  
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documentary evidence, the date of birth of plaintiff is considered as 01.01.1985 instead of 01.01.1978. Issue is decided in positive.

**Issue No. 01 & 04:**

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

As sequel to my findings on issue No. 03, the plaintiff has proved through cogent evidence that his correct date of birth is 01.01.1985 instead of 01.01.1978. Issue No. 01 & 04 are decided in positive.

**RELIEF:**

As sequel to my above issue-wise findings, the plaintiff proved his case through cogent evidence, therefore suit of the plaintiff is hereby decreed as prayed for with no order as to cost.

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

**Announced**  
10.11.2023

*Bakht Zada*  
10.11.23  
(Bakht Zada)  
Senior Civil Judge,  
Orakzai (at Baber Mela)

**CERTIFICATE**

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

*Bakht Zada*  
10.11.23  
(Bakht Zada)  
Senior Civil Judge,  
Orakzai at (Baber Mela)