

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

Civil Suit No. 89/1 of 2023  
Date of Original Institution: 08.11.2023  
Date of Decision: 24.11.2023

**Mst. Shahzad Begum W/O Syed Rahim Shah,**  
resident of Qoum Bar Muhammad Khel, Tappa Baba  
Nawasi, Tehsil Lower, District: Orakzai.

.....(Plaintiff)

**VERSUS**

1. **Chairman NADRA Islamabad.**
2. **Director General NADRA, Khyber Pakhtunkhwa,**  
**Peshawar.**
3. **Assistant Director, NADRA District Orakzai.**

.....(Defendants)

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

**JUDGMENT**

24.11.2023

1. Brief facts of the case in hand are that plaintiff through special attorney Syed Razi Shah has 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 **01.01.1960**, while defendants have incorrectly entered the date of birth of plaintiff in their official record as 01.01.1966, which is wrong, ineffective upon the rights of the

plaintiff and liable to correction. That the defendants were asked time and again to do the aforesaid correction but they refused, hence, the present suit;

2. Defendant was summoned, they appeared through their representative and 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;

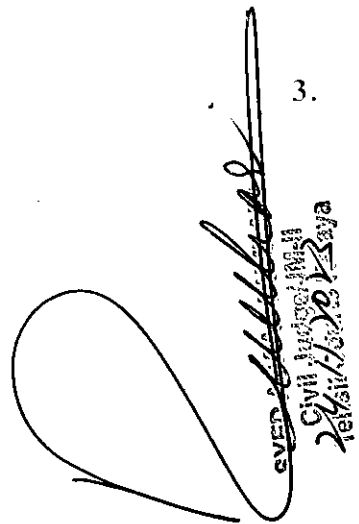
Issues:

1. Whether the plaintiffs have got a cause of action? OPP
2. Whether the correct date of birth of plaintiff is **01.01.1960**, while defendants have incorrectly entered the date of birth of plaintiff as 01.01.1966? 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 her plaint that correct date of birth of plaintiff is **01.01.1960**, while defendants have incorrectly entered the same as 01.01.1966 in their record, which is wrong, ineffective upon the rights of the plaintiff and is liable to correction.



Civil Judge (Sd) Muzaffargarh  
29/11/2023

The plaintiff produced witnesses in whom Syed Razi Shah S/O Syed Rahim Shah, attorney for plaintiff, appeared as PW-01. He stated that he is the son of plaintiff and he produced special power of attorney which is Ex. PW-1/1. He stated that correct date of birth of plaintiff is 01.01.1960, while defendants have incorrectly entered the same as 01.01.1966, which is incorrect. He further stated that there exist unnatural gap of 11 & 12 years between the ages of plaintiff with their sons. He further narrated in his examination in chief that there also exist unnatural gap of 14 & 16 years between the ages of plaintiff with their children namely Ume Salma, Syed Wali Shah and Bibi Masooma respectively. He further stated that Syed Wali Shah and Bibi Masooma are twins. He produced CNICs of plaintiff, Syed Razi Shah, Muhammad Ali Shah which are exhibited as Ex. PW-1/2 to Ex. PW-1/4 respectively. He lastly requested for decree of the suit. During cross examination nothing tangible has been extracted out of him.

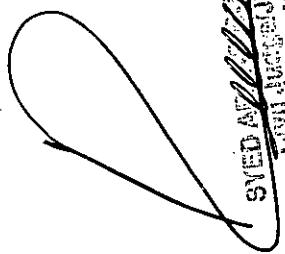
Syed Muhammad Raza S/O Lal Asghar, appeared and deposed as PW-02. He supported the stance of the plaintiffs as narrated in the plaint. He produced his CNIC which is Ex. PW-2/1. The witness

  
SYED ARAF BUKHARI  
24/1/2023  
Tehsil Courts, Kalaja

has been cross examined but nothing tangible has been extracted out of him during cross examination.

In order to counter the claim of the plaintiff, defendants produced only one witness, the representative of the defendants namely Irfan Hussain who appeared as DW-01. He produced authority letter which is Ex. DW-1/1. He further stated that I have seen the CNICs of plaintiff and her children, wherein the date of birth of elder son of plaintiff is 1977, date of birth of second son Syed Muhammad Ali Shah is 1978 and her daughter is 1982. He further stated that according to NADRA SOPs that there must be difference of 16 to 17 years between the ages of mother with her children. During cross examination he admitted that plaintiff has unnatural gaps with her five children.

In light of above evidence produced by plaintiff it is necessary to mention here that the unnatural gap between plaintiff and her children has been admitted by DW-01 in his cross examination and thus this admission by defendants in his evidence strengthen the stance of plaintiff alleged in the plaint. Furthermore, after this admission on the part of defendants, all other facts and points raised by

  
SYED ALI HUSSAIN  
C/O NADRA  
Tel: 0300/1105023

defendants in written statement or subsequently in evidence are immaterial.

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 defendant. Furthermore it is also pertinent to mention here that there exist unnatural gap between ages of plaintiff and her children. The age difference between the age of plaintiff and her children is against the order of nature and impossible.

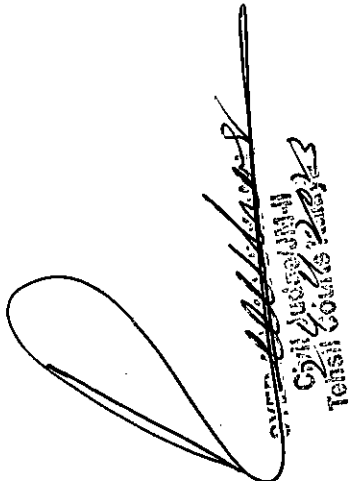
Issue No. 01 & 03:

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

As sequel to my findings on issue No. 02 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 plaintiffs are hereby **decreed** as prayed for, subject to submission of court fees of Rs-500/- within 30 days of instant decree otherwise this decree shall have got no effect or legal force and defendants are hereby directed to enter the correct date of birth

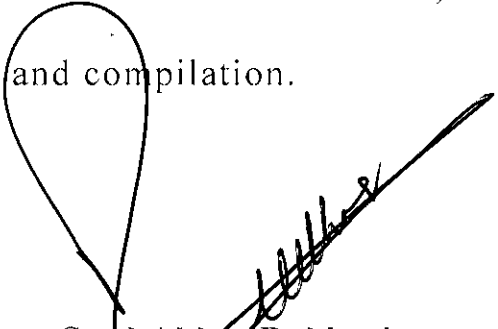


Civil Judge  
District Court  
Rawalpindi

of plaintiff in their official record as 01.01.1960. No order as to costs.

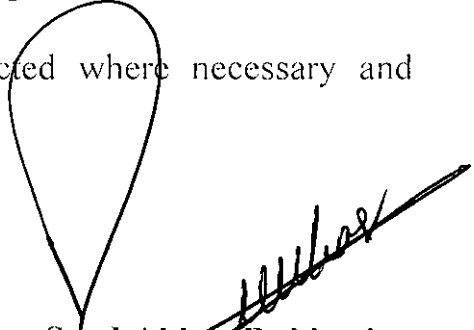
File be consigned to the District Record Room, Orakzai after its completion and compilation.

Announced  
24.11.2023

  
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