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IN THE COURT OF REHMAT ULLAH WAZIR,

CIVIL JUDGE-I, CAMP COURT, KALAYA, ORAKZAI

Civil Suit No. 41/1 of 2021
Date of Original Institution: 28/06/2021
Date of Decision: 31/01/2022

Syed Murtaza Hussain S/O Syed Jabeen Hussain, R/O Section Bar Muhammad Khel, Sub Section Syedan, 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 Syed Murtaza Hussain S/O Syed Jabeen Hussain 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 **05.03.2002** according to Primary School Admission and Withdrawal Register, while it has been wrongly entered as 05.03.2000 in his 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, in whom defendants no. 1, 2 and 3 appeared before the court through their

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CAMP COURT
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representative and contested the suit by filing their written statement while the defendant no. 04 has been placed and proceeded ex-parte on account of absence on 26.05.2021.

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 correct date of birth of the plaintiff is **05.03.2002** while it has been wrongly entered as **05.03.2000** in the record of the defendants?
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:

The plaintiff alleged in his plaint that his correct date of birth is **05.03.2002** according to Primary School Admission and Withdrawal Register while it has been wrongly entered as 05.03.2000 in his 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.

The plaintiff produced witnesses, in whom Syed Hamid Hussain, the teacher of Islamia Public School, Suleman Khel

appeared as PW-01, who produced the Admission & Withdrawal Register of the plaintiff which is exhibited as Ex. PW-1/1 and according to that the correct date of birth of the plaintiff is 05.03.2002. Further, Syed Jabeen Hussain, the father of the plaintiff appeared as PW-02, who produced his CNIC which is exhibited as Ex. PW-2/1 and further fully supported the stance of the plaintiff by narrating the same story as in the plaint. Further Sabit Ali, the neighbor of the plaintiff, is appeared as PW-03, 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 (containing 03 pages) which is Ex-DW-1/1, the Family Tree of the plaintiff which is Ex-DW-1/2. But during cross examination, he admitted that he does not know the fact that the plaintiff's father is literate or not.

REHMANI AMIN
 COURT
 MALAKKANZA

Arguments heard and record perused.

After hearing of arguments and perusal of record I am of the opinion that the plaintiff mainly relies on his Primary School Admission & Withdrawal Register which are public documents and bear the presumption of truth unless rebutted. Also, the representative of the defendants has not objected over the aforesaid documents when they were exhibited which

legally results into admission on the part of the defendants. Thus, the plaintiff established his 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.

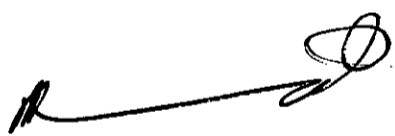
As sequel to my findings on issue No. 2, the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Thus, both these issues are decided in positive.

RELIEF:

As sequel to my above issue wise findings, the suit of the plaintiff is hereby decreed as prayed for.

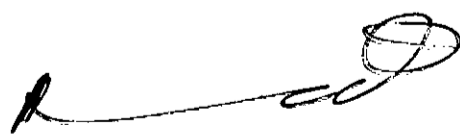
File be consigned to the Record Room after its completion and compilation.

Announced
31.01.2022


(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