

**IN THE COURT OF FARMAN ULLAH,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA**

Civil Suit No. 371/1 of 2020
Date of Institution: 23/12/2020
Date of Decision: 08/09/2021

1. **Mst Shakira Bibi D/o Sharaf Ali**
2. **Mst Bibi Sojana D/o Sharaf Ali R/o Qoam Ali Khel, Tapa Mir Was Khel, P/O Ghiljo, Tehsil Upper, District Orakzai.....** (Plaintiffs)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA Hayatabad KP.**
3. **Assistant Director, Registration NADRA District Orakzai.**

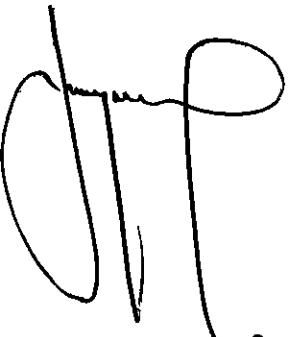
(Defendants)

SUIT FOR DECLARATION, PERMANENT & MANDATORY INJUNCTION

JUDGEMENT:

08.09.2021

Brief facts of case in hand are that the plaintiffs, **Mst Shakira Bibi D/o Sharaf Ali and Mst Bibi Sojana D/o Sharaf Ali**, have brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that the correct date of birth plaintiff No. 1 is **01.01.1972** while the correct date of birth of plaintiff No. 2 is **01.01.1970**, but defendants have wrongly mentioned the date of birth of plaintiff No.1 as **01.01.1975** and similarly the date of birth of plaintiff No.2 as **01.01.1980** in their record, which are incorrect and liable to be corrected. That defendants were repeatedly asked to correct their record but they refused. Hence, the present suit.



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Defendants were summoned, who appeared through attorney namely Syed Farhat Abbas and submitted written statement, wherein they contested the suit of plaintiff on various grounds.

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

Issues:

1. Whether plaintiffs have got cause of action?
2. Whether the correct date of birth of the plaintiff No.1 is **01.01.1972** while it has been wrongly mentioned as **01.01.1975** in her CNIC by defendants?
3. Whether the correct date of birth of the plaintiff No.2 is **01.01.1970** while it has been wrongly mentioned as **01.01.1980** in her CNIC by defendants?
4. Whether plaintiffs are entitled to the decree as prayed for?
5. Relief.

Parties were provided opportunity to produce evidence in support of their respective contention, which they did. Plaintiffs produced their witnesses as PW-1 to PW-3.

7. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the CNIC processing detail forms and family tree of plaintiffs and exhibited the same as Ex. DW-1/1, Ex.DW-1/2 and Ex.DW-1/3 respectively.
8. After conclusion of the evidence arguments pro and contra heard. Case file is gone through.
9. My issues wise findings are as under:

Issue No.02 & 03:

Issues No. 02 and 03 are interlinked and interconnected, hence to avoid the repetition of facts, the same are taken together for discussion. Plaintiffs contended in their plaint that correct date of birth of plaintiff No. 1 is **01.01.1972** while the correct date of birth of plaintiff No.2 is **01.01.1970** but inadvertently the same were recorded as **01.01.1975** and **01.01.1980** respectively in NADRA record. Hence, the record is liable to be corrected.

Plaintiffs in support of their contention produced their attorney as PW-1, who repeated the contents of plaint in his examination in chief. He produced CNICs of plaintiffs as Ex.PW-1/2 and Ex.PW-1/3, He also produced the pension book of the father of the plaintiffs as Ex.PW-1/5. PW-2, Syed Nabi, who is the relative of plaintiffs stated in his examination in chief that correct date of birth of the plaintiff No. 1 is **01.01.1972** while the correct date of birth of the plaintiff No. 2 is **01.01.1970**. He also stated that father of the plaintiffs has died on 25.10.1973. PW-3, Sorat Ali stated in his examination in chief that plaintiffs are his cousin and their father namely Sharaf Ali died in year 1973. He also stated that defendants have wrongly recorded the date of birth of plaintiff No.1 as 01.01.1975 and of plaintiff No. 2 as 01.01.1980.



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From the statements of PW-01 to PW-03 coupled with pension book of father of the plaintiffs Ex.PW-1/5, it is evident that father of the plaintiffs died in year 1973 while date of birth of plaintiff No.1 in her CNIC is 01.01.1975 and of plaintiff No.2 in her CNIC is 01.01.1980. Such incorporation of date of birth of plaintiffs in their CNICs, on the face of it appears to be incorrect as it is unnatural and impossible that child or children of any person can be born after 07 years or 02 years of his death. So, the oral and documentary evidence produced by the plaintiffs establishes that the correct date of birth of the plaintiff No.1 is **01.01.1972** and the correct date of birth of the plaintiff No. 2 is **01.01.1970**. The incorporation of date of birth of the plaintiff No. 1 as **01.01.1975** and plaintiff No. 2 as **01.01.1980** in the record of NADRA appears to be a mistake. Hence, the issue No. 02 and 03 is decided in positive.


Issue No. 01 & 04:

These issues are taken together. For what has been held in issue No. 02 & 03, this court is of the opinion that plaintiffs have got cause of action and they are entitled to the decree as prayed for.

The issues are decided in positive.

Relief:

Consequently, suit of the plaintiffs succeeds and is hereby decreed as prayed for and defendants are directed to correct the


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date of birth of the plaintiff No.1 as **01.01.1972** and plaintiff No.2 as **01.01.1970**. Parties are left to bear their own costs.

10. File be consigned to the record room after its completion and compilation.

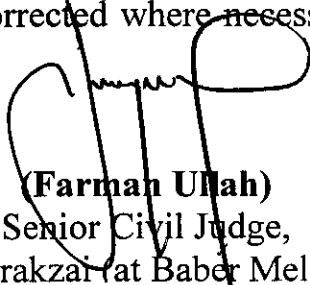
Announced

08/09/2021

CERTIFICATE

Certified that this judgment of mine including this page consists of **05 (five)** pages, each page has been checked, corrected where necessary and signed by me.


(Farman Ullah)
Senior Civil Judge,
Orakzai (at Baber Mela)
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