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

Civil Suit No. 36/1 of 2021
Date of Institution: 23/04/2021
Date of Decision: 16/09/2021

Ghamin Badshah S/o Nazal Badshah

R/o Qoam: Mamo Zai, Tapa: Abdul Rahim Khel, Wazir Namasi, Tehsil Upper &
District Orakzai..... (Plaintiff)

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:

Brief facts of case in hand are that the plaintiff, **Ghamin Badshah S/o Nazal Badshah**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that his correct date of birth is **01.01.1984** while defendants have wrongly mentioned the same in their record as **01.01.1990**, which is incorrect and liable to be corrected. That Iran Badshah is the elder son of plaintiff and his date of birth is 03-03-2003, so the difference between the age of plaintiff and his son is 13 years which is unnatural and contrary to the facts, that defendants were repeatedly asked to correct the date of birth of plaintiff 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 plaintiff has got cause of action?
2. Whether the correct date of birth of the plaintiff is "01.01.1984" while defendants have wrongly mentioned the same as 01.01.1990 in his CNIC?
3. Whether plaintiff is entitled to the decree as prayed for?
4. Relief.

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

6. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the record of plaintiff and exhibited the same as Ex. DW-1/1 to DW-1/2.
7. After conclusion of the evidence arguments pro and contra heard. Case file is gone through.
8. My issues wise findings are as under:

Issue No.02:

Plaintiff contended in his plaint that his correct date of birth is 01.01.1984 but inadvertently the same was recorded as 01.01.1990 in NADRA record. Hence, the record is liable to be corrected.

Plaintiff in support of his contention appeared as PW-1, who repeated the contents of plaint in his examination in chief. He also produced his CNIC as Ex.PW-1/1. PW-2 is the statement of Rehman Gul, who stated in his examination in chief that plaintiff is his relative and the correct date of birth of the plaintiff is **01.01.1984** while Iran Badshah is his elder son. PW-03 is the statement of Manzoor Ur Rehman, who stated in his examination in chief that plaintiff is his friend and the correct date of birth of the plaintiff is **01.01.1984** while Iran Badshah is his elder son. PW-1 to PW-3 were subjected to cross examination but nothing substantial was brought on record which could have shattered their testimony rather they remained consistent regarding the facts uttered by them in their examination in chief. From their statement it is evident that Iran Badshah is the elder son of the plaintiff and as per the statement of PW-01 the date of the birth of his elder son namely Iran Badshah is 03.03.2003 while the date of the birth of the plaintiff recorded in his CNIC is 01.01.1990, which shows that the age gap between the plaintiff and his elder son namely Iran Badshah is about 13 years. The said difference in age of father and son on the face of it appears to be unnatural and contrary to the facts. So, the oral and documentary evidence produced by the plaintiff clearly establishing that the correct date of birth of the plaintiff is **01.01.1984**. The incorporation of date of birth of the plaintiff as

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01.01.1990 in the record of NADRA appears to be a mistake.
Hence, the issue No. 2 is decided in positive.

Issue No. 01 & 03:

These issues are taken together. For what has been held in issue No. 2, this court is of the opinion that plaintiff has got cause of action and he is entitled to the decree as prayed for.

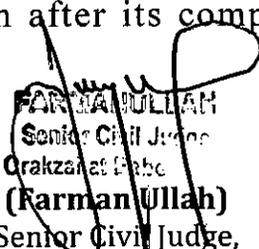
The issues are decided in positive.

Relief:

Consequently, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct their record by incorporating the date of birth of the plaintiff as **01.01.1984** in their record. Parties are left to bear their own costs.

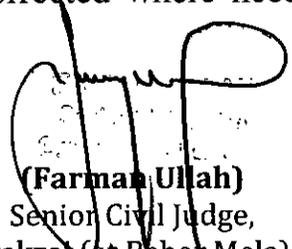
9. File be consigned to the record room after its completion and compilation.

Announced
16/09/2021


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

CERTIFICATE

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


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