

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

Civil Suit No. 201/1 of 2020  
Date of Institution: 16/01/2021  
Date of Decision: 04/10/2021

**Muhammad Naseem s/o Sabaz Khan**

Resident of Qoam Ali Khel, Tapa Zanka Khel, PO Ghiljo Tehsil Upper & District  
Orakzai..... (Plaintiff)

VERSUS

1. **Chairman, BISE, Kohat.**
2. **Chairman, NADRA, Islamabad.**
3. **Assistant Director, Registration NADRA District Orakzai.**

(Defendants)

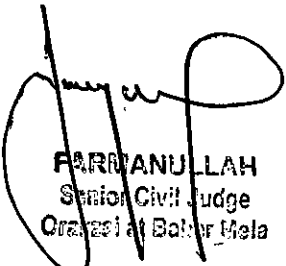
**SUIT FOR DECLARATION, PERMANENT & MANDATORY INJUNCTION**

**JUDGEMENT:**

04.10.2021

Brief facts of the case in hand are that the plaintiff, **Muhammad Naseem s/o Sabaz Khan**, 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 **01.01.1997** while defendants have wrongly mentioned the same in their record as 25.09.1999, which is incorrect and liable to be corrected. That defendants were repeatedly asked to correct the date of birth of plaintiff but he refused. Hence, the present suit.

Defendants were summoned, on which initially defendants No. 2 and 3 appeared through representative while

  
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defendant No. 1 remained absent and thus proceeded ex-parte.

As no relief was sought by defendants No. 2 and 3, hence, suit of plaintiff was decreed on the basis of available record through summary judgment dated: 29.11.2019. However, later on defendant No. 1 submitted an application for setting aside ex-parte decree, which was accepted and ex-parte decree was set aside on 16.01.2021.

Defendant contested the suit of plaintiff by submitting written statement, wherein, the suit of plaintiff was objected 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 "01.01.1997" while defendants have wrongly mentioned the same as 25.09.1999 in their record?
3. Whether plaintiff is entitled to the decree as prayed for?
4. Relief.

5. 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-4.

6. While counsel for defendant No.1 stated before the court that defendant No.1 does not want to provide any evidence and rely in the written statement and Matric DMC annexed by the

  
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plaintiff. To this effect, his statement was recorded before the court.

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:**

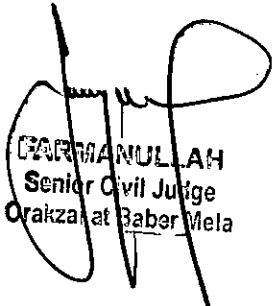
Plaintiff contended in his plaint that his correct date of birth is **01.01.1997** but inadvertently the same was recorded as **25.09.1999** in the record of defendant. Hence, the record is liable to be corrected.

Plaintiff in support of his contention appeared as PW-3, who repeated the contents of plaint in his examination in chief. He produced his CNIC and service book as Ex.PW-3/1 and Ex.PW-3/2. PW-1, Sabaz Khan, who is the father of plaintiff stated in his examination in chief that correct date of birth of the plaintiff is 01.01.1997 but it was wrongly entered by defendant. He produced and exhibited his CNIC as Ex.PW-1/1. PW-02, Waqif Khan, is the cousin of plaintiff. He also repeated the same facts as uttered by PW-02. PW-04, Imam Din, who produced the original service book of plaintiff as Ex.PW-4/1 and medical certificate of plaintiff as Ex.PW-4/2 and stated that plaintiff is constable in Police Department and the correct date of the plaintiff is 01.01.1997.

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Ex.PW-3/1 is the CNIC while Ex.PW-3/2 is the service card of the plaintiff. The perusal of both the documents reflect that date of plaintiff has been recorded as 01.01.1997. Similarly, the service record of plaintiff produced by the PW-04 as Ex.PW-4/1 and Ex.PW-4/2 shows that plaintiff was appointed n levy/Khasadar on 01.05.2015 and in his service record his date of birth has been recorded as 01.01.1997. Moreover, PW-01 to PW-03 also categorically stated in their examination in chief that correct date of birth of the plaintiff is 01.01.1997. PW-01 to PW-03 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. The testimony of PWs, CNIC and service book corroborate each other and there is nothing in rebuttal. So, the oral and documentary evidence produced by the plaintiff establishes that the correct date of birth of the plaintiff is **01.01.1997**. The incorporation of date of birth of the plaintiff as **25.09.1999** in the record of defendants appears to be a mistake. Hence, the issue No. 2 is decided in positive.

  
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**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 also 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 **01.01.1997** in their record. Parties are left to bear their own costs.

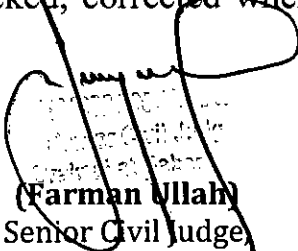
9. File be consigned to the record room after its completion and compilation.

**Announced**  
04/10/2021

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

**CERTIFICATE**

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

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