

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

Civil Suit No. 206/1 of 2020  
Date of Institution: 16/01/2021  
Date of Decision: 04/10/2021

**Jahanzeb Khan s/o Nawab Khan**

Resident of Qoam Mamo Zai, Tapa Mirn Kalam Khel, PO Ghiljo Tehsil Upper &  
District Orakzai..... (Plaintiff)

VERSUS

1. **Chairman, BISE, Kohat.**
2. **Chairman, NADRA, Islamabad.**
3. **Registrar, General NADRA Islamabad.**
4. **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, **Jahan Zeb Khan s/o Nawab 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 **01.01.1994** while defendants have wrongly mentioned the same in their record as 25.01.1997, which is incorrect and liable to be corrected. That defendants were repeatedly asked to correct the date of birth of plaintiff but they refused. Hence, the present suit.

Defendants were summoned, on which defendant No. 2 to 4 appeared before the court and contested the suit of plaintiff by filing their written statement while defendant No. 1 remained absent, hence he was proceeded ex-parte. After

  
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recording the evidence of plaintiff and defendants No. 2 to 4, the suit of plaintiff who was decreed vide judgement dated 12.02.2020 but later on defendant No.1 submitted an application for setting aside ex-parte decree against him, which was accepted and ex-parte decree to the extent of defendant No.1 was set aside vide order dated: 16.01.2021 in miscellaneous petition No. 19/06.

Defendant No.1 also 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 "01.01.1994" while defendants have wrongly mentioned the same as 25.01.1997 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. In rebuttal counsel for defendant No.1 stated before the court that defendant No.1 does not want to produce any evidence rather rely on the written statement and Matric certificate of plaintiff annexed with the plaint. To this effect his statement recorded before the court.

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7. After conclusion of the evidence, pro and contra arguments heard. Case file is gone through.
8. In the light of available record and arguments my issues wise findings are as under:

**Issue No.02:**

Plaintiff contended in his plaint that his correct date of birth is **01.01.1994** but inadvertently the same was recorded as **25.01.1997** in the record of defendants. Hence, the record is liable to be corrected.

Plaintiff in support of his contention appeared as PW-4, who repeated the contents of plaint in his examination in chief. He produced his CNIC as Ex.PW-4/1. PW-1, Abdul Slam, stated in his examination in chief that plaintiff is his nephew and whose correct date of birth is 01.01.1994 but it was wrongly entered by defendants as 25.01.1997. He produced and exhibited his CNIC as Ex.PW-1/1. PW-02, Jamal, who is the maternal uncle of plaintiff. He also repeated the same facts as uttered by PW-01. PW-03, Atif Ullah (Record Keeper) of district police Orakzai produced the original service book of plaintiff as Ex.PW-3/1 and medical certificate of plaintiff as Ex.PW-3/2 and stated that date of the plaintiff in his service record is 01.01.1994. He produced his service card as Ex.PW-3/3.

The perusal of service record of plaintiff Ex.PW-3/1 and Ex.PW-3/2 depict that date of birth of plaintiff has been

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recorded as 01.01.1994. Similarly, PW-01, PW-02 and PW-04 also categorically stated in their examination in chief that correct date of birth of the plaintiff is 01.01.1994. PW-01 to PW-04 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, service book and medical certificate 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 **01.01.1994**. The incorporation of date of birth of the plaintiff as **25.01.1997** in the record of defendants appears to be a mistake. Hence, the issue No. 2 is decided in positive.

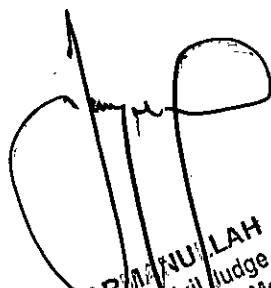
Issue No. 01 & 03:

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 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

  
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correct their record by incorporating the date of birth of the plaintiff as **01.01.1994** in their record. Parties are left to bear their own costs.

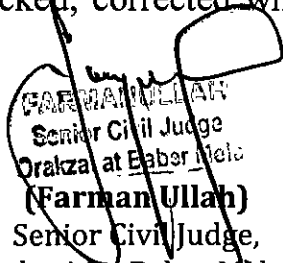
9. File be consigned to the record room after its completion and compilation.

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