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IN THE COURT OF REHMAT ULLAH WAZIR,
CIVIL JUDGE-I, ORAKZAI AT BABER MELA

Civil Suit No. 107/1 of 2021
Date of Institution 24.08.2021
Date of Decision: 30.03.2022

1. **Hayat Bibi d/o Umar Shah, R/O Qoum Rabia Khel, Tappa Babi Khel, Qamar Mela, Tehsil Ismail Zai, 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:
30.03.2022

1. Plaintiff Hayat Bibi has brought the instant suit for declaration-cum-permanent injunction against the 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 02.01.2002, while the defendants have wrongly entered the same as 11.04.1995 and correct father's name of the plaintiff is Muhabbat Shah while it has been wrongly entered as Umar Shah in her CNIC by the defendants, which are wrong and ineffective upon the rights of the plaintiff and are liable to correction. That the defendants were asked time and again for correction of date

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of birth and father's name of the plaintiff but they refused to do so, hence the present suit;

2. Defendants were summoned, who appeared before the court through their representative and contested the suit by filing their written statement.
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 **02.01.2002** and defendants have wrongly entered the same as 11.04.1995 in her CNIC.
3. Whether the correct father's name of the plaintiff is Muhabbat Shah and the defendants have wrongly mentioned the same as Umar Shah in her CNIC.
4. Whether the plaintiff is entitled to the decree as prayed for?
5. Relief?

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Orakzai (Sehat Mela)*

Parties were given an opportunity to produce evidence which they did accordingly.


Issue wise findings of this court are as under: -

Issue No. 02 & 03:

Both these issues are interlinked, hence, taken together for discussion.

The plaintiff alleged in her plaint that that correct date of birth of the plaintiff is 02.01.2002, while the defendants have been wrongly entered the same as 11.04.1995 and correct father's name of the plaintiff is Muhabbat Shah while it has been wrongly entered as Umar Shah in her CNIC by the defendants, which are wrong and ineffective upon the rights of the plaintiff and are liable to correction. That the defendants were asked time and again for correction of date of birth and father's name of the plaintiff but they refused to do so, hence the present suit;

The plaintiff produced witnesses, in whom, Raheem Khan the maternal cousin of the plaintiff, appeared as PW-01, who supported the stance of the plaintiff by narrating the same story as in the plaint. Further, Usman Khela, who is the mother of the plaintiff appeared as PW-02, who also supported the stance of the plaintiff. Further, Qadar Badshah, Paternal Uncle of the plaintiff produced the special power of attorney, copy of his CNIC, copy of CNIC of the mother of the plaintiff, which all are exhibited as Ex. PW-3/1, Ex. PW-3/2 and Ex. PW-2/1 respectively. All the witnesses are cross examined but nothing tangible have been extracted out of them during cross examination.


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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 form "B" and Family Tree of the plaintiff. But during cross examination, he admitted that the correct date of birth of the plaintiff in form "B" is 02.01.2002 and correct name of her father is Muhabbat Shah while these have been wrongly mentioned in her CNIC.

Arguments heard and record perused.

After hearing of arguments and perusal of record I am of the opinion that the plaintiff established her case through oral and documentary evidence. Also, the claim of the plaintiff is admitted by representative of the defendants in his cross examination. Thus, in the light of the aforesaid finding the issue is decided in positive.

Issue No. 01 & 04:

Both these issues are interlinked, hence, taken together for discussion.

As sequel to my findings on issue No. 02 & 03, 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.

[Handwritten signature and stamp]
District Judge
District Court
District of [unclear]


RELIEF:

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

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


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Announced
30.03.2022


(Rehmat Ullah Wazir)
Civil Judge-I,
Orakzai at Baber Mela.

CERTIFICATE

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


(Rehmat Ullah Wazir)
Civil Judge-I,
Orakzai at Baber Mela.