

39

IN THE COURT OF BAKHT ZADA,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 30/1 of 2023.
Date of Institution: 11.07.2023.
Date of Decision: 08.12.2023.

*Hazrat Bilal S/O Noor Jamal, R/O Qaum Mamoza, Tappa Abdul Aziz
Khel, Tehsil Upper, District Orakzai.*
(Plaintiff)

VERSUS

1. *Chairman NADRA, Islamabad.*
2. *Deputy Chairman NADRA, Peshawar.*
3. *Assistant Director NADRA, Orakzai.*

(Defendants)

**SUIT FOR DECLARATION-CUM-PERPETUAL AND
MANDATORY INJUNCTION**

JUDGEMENT:

08.12.2023

1. Plaintiff Hazrat Bilal S/O Noor Jamal has brought the instant suit against defendants Chairman NADRA, Islamabad and 02 others for declaration-cum-perpetual and mandatory injunction to the effect that his correct name is Hazrat Bilal, while the same has been wrongly entered in his record with the defendants as Bilal. Similarly, the correct date of birth of plaintiff is 01.03.2004, while the same has been wrongly entered in his record with the defendants as 15.05.2009. He prayed for correction in his record with the defendants. The defendants were asked time and again to do the needful, but they refused to do so, hence, the present suit;

Exec
BAKHT ZADA
Senior Civil Judge/JM
Orakzai at Baber Mela

2. Defendants were summoned, who appeared before the court through their representative and contested the suit by filing authority letter and 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 suit of the plaintiff is within time?*
3. *Whether the correct name of plaintiff is Hazrat Bilal and his correct date of birth is 01.03.2004 and the same has been wrongly entered in his record with the defendants as Bilal and 15.05.2009 respectively?*
4. *Whether plaintiff is entitled to the decree as prayed for?*
5. *Relief?*

Parties were given opportunity to produce evidence in support of their respective claims. The plaintiff produced and recorded the statements of following PWs;

4. **PW-01:** Hazrat Bilal, plaintiff himself appeared as PW-01 and repeated the contents of his plaint. He requested for decree of suit as prayed for. Copy of his CNIC is Ex. PW-1/1.

5. **PW-02:** is the statement of the Noor Jamal. He is father of the plaintiff. He supported the stance of the plaintiff. Copy of his CNIC is Ex.PW-2/1.

6. **PW-03:** is the statement of the Inam Ud Din. He is relative of the plaintiff. He also supported the stance of the plaintiff. Copy of his CNIC is Ex.PW-3/1.

7. On the other hand, representative for NADRA, Irfan Hussain

gkcc
BAKHT ZADA
 Senior Civil Judge
 Orakzai, Baber Mela

40
recorded his statement as DW-01. He produced family tree which is Ex. DW-1/1. He requested for dismissal of the suit.

After closing of evidence of the parties, arguments of the learned counsel for the parties were heard and available record perused.

My Issue wise findings are as under: -

Issue No. 02:

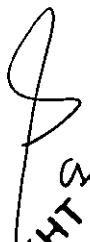
The plaintiff was issued CNIC on 03.05.2023 with alleged wrong name and date of birth, while the instant suit has brought by the plaintiff for correction of the same on 11.07.2023 which is almost within two months of the issuance of CNIC with wrong entries. Under the law, the limitation provided for filing declaratory suit is six years, therefore, the instant suit is well within time.

Issued decided in positive.

Issue No. 03:

Plaintiff has alleged in his plaint that correct name is Hazrat Bilal, while the same has been wrongly entered as Bilal in his record with the defendants. Similarly, his correct date of birth is 01.03.2004, while the same has been wrongly entered as 15.05.2009 in his record with the defendants.

During the course of evidence, the plaintiff appeared as PW-01 and confirmed the contents of his plaint during his statement and requested for correction as prayed for in the plaint. Noor Jamal, father of the plaintiff appeared as PW-02


BAKHT ZADA
Senior Civil Judge/JM
Orakzai / Baber Mela

and stated that correct name of his son/plaintiff is Hazrat Bilal and his date of birth is 01.03.2004. PW-02, being father is natural witness of the birth of his son and his statement cannot be rebutted through ordinary oral and documentary evidence. There is nothing on record to rebut the statement of PW-02, being natural witness of the birth of the plaintiff. The record produced by the defendants is the one impugned before the court and no other corroborating evidence in support of the same has been produced by the defendants, therefore, it can be safely held on the basis of the statement of the father of the plaintiff that correct name of the plaintiff is Hazrat Bilal and correct date of birth is 01.03.2004.

Issue is decided in favour of plaintiff accordingly.

Issue No. 01 & 04:

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

As sequel to my findings on issue No. 03, the plaintiff has proved through cogent evidence that his correct name is Hazrat Bilal instead of Bilal and correct his correct date of birth is 01.03.2004 instead of 15.05.2009. Issue No. 01 & 04 are decided in positive.

RELIEF:

As sequel to my above issue-wise findings, the plaintiff proved his case through cogent evidence, therefore suit of the

43

plaintiff is hereby decreed as prayed for with no order as to cost.

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

Announced
08.12.2023

Bakht Zada
8.12.23
(Bakht Zada)
Senior Civil Judge,
Orakzai at Baber Mela

CERTIFICATE

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

Bakht Zada
8.12.23
(Bakht Zada)
Senior Civil Judge,
Orakzai at (Baber Mela)