

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

Civil Suit No.	33/1(neem) of 2023
Date of Institution:	11.08.2023
Date of Remanded In:	08.12.2023
Date of Decision:	22.12.2023

**Muhammad Haneef Khan S/O Faqir Khan, R/O Qoum Ali Khel, tappa Sher Khel, Tehsil Upper, District Orakzai.**  
*(Plaintiff)*

**VERSUS**

1. **Chairman NADRA, Islamabad.**
  2. **Director General NADRA, Peshawar, KPK.**
  3. **Assistant Director NADRA, Orakzai.**
- (Defendants)*

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

**JUDGEMENT:**

1. Plaintiff Muhammad Haneef Khan s/o Faqir Khan 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 date of birth is 25.05.1987, but the same has been wrongly entered in his record with the defendants as 25.05.1992. That the correct date of birth of his elder son namely Muhammad Alim is 15.07.2005 according to school record and NADRA record and there is unnatural gap of 13 years between the date of births of the plaintiff and his son. He alleged that the defendants were asked

*Bakht Zada*  
**BAKHT ZADA**  
Senior Civil Judge/JM  
Orakzai at Baber Mela

time and again for correction of date of birth 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 submitted 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 date of birth of the plaintiff is 25.05.1987 and the defendants have wrongly entered the same as 25.05.1992 in his record?*
4. *Whether plaintiff is entitled to the decree as prayed for?*
5. *Relief?*

Before offering opportunity for production of evidence to the parties, representative for the defendants submitted an application u/s 11 CPC on the ground that the previously APA Upper Orakzai has issued orders for correction of date of birth of the plaintiff on 10.04.2017. The application was accepted by this court and the case was dismissed.

Being aggrieved from order dated: 06.10.2023, the plaintiffs preferred civil revision before the court of Hon'ble District Judge who after hearing the parties, remanded the case back to this court with the

directions to record evidence regarding unnatural gap between the date of births of the plaintiff and his son because the same will lead to significant challenge for both the plaintiff and his son in their future.

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

**PW-01:** Muhammad Haneef Khan s/o Faqir Khan, the plaintiff himself, appeared as PW-01 who repeated the contents of his plaint. He exhibited his CNIC as Ex.PW-1/1, matric DMC and Form "B" of his son Muhammad Alim as Ex.PW-1/2 and Ex.PW-1/3 respectively.

**PW-02 & PW-03:** Muhammad Kamil s/o Faqir Khan and Ism-e-Azam s/o Muqarab Khan appeared as PW-02 and PW-03 who supported the stance of the plaintiff and requested for decree of suit as prayed for. Copies of their CNICs are Ex.PW-2/1 and Ex.PW-3/1 respectively.

On the other hand, representative for NADRA, Irfan Hussain recorded his statement as DW-01, wherein he produced Family Tree, APA court decree, processing form and court decree verification letter which are Ex.DW-1/1 to Ex.DW-1/4. 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: -

*S. Akce*  
**BAKHIZADA**  
 Senior Civil Judge  
 Orakzai at Baber Mal

**Issue No. 02:**

It is alleged at para-06 in the plaint that the defendants were asked time and again for correction of the date of birth of the plaintiff in their record and still the alleged entry regarding unnatural gap between the date of births of the plaintiffs and his son exist without rectification, which is a continues cause of action. The issue is decided in positive.

**Issue No. 03:**

The plaintiff alleged that his correct date of birth is 25.05.1987, but the same has been wrongly entered in his record with the defendants as 25.05.1992. That the correct date of birth of his elder son namely Muhammad Alim is 15.07.2005 according to school record and NADRA record and there is unnatural gap of about 13 years between the date of births of the plaintiff and his son. According to plaintiff, it will potentially lead to significant challenges to him as well as his son if the required rectification is not done.

In order to prove the factum of unnatural gap between his date of birth and that of his son Muhammad Alim, he produced and recorded his own statement as PW-01. He exhibited his CNIC as Ex.PW-1/1 wherein his date of birth is mentioned as 25.05.1992. He also exhibited the matric DMC of his elder son

*Handwritten signature*  
**BAKHT ZADA**  
 Senior Advocate  
 Orakzai District Bar Council

40

namely Muhammad Alim which is Ex.PW-1/2 and his date of birth is mentioned as 15.07.2005 in the same. The matric certificate is an authentic document and has preference over the other documents. Furthermore, the contention of the plaintiff regarding unnatural gap is very much clear from perusal of Ex.PW-1/1 and Ex.PW-1/2 and such unnatural gap will ultimately lead to complications in the academic career of the son of the plaintiff and other daily affairs of the plaintiff too. There is no legal restriction on correction under the law up to 05 years as per SOPs of NADRA. All the PWs and documents produced by the plaintiff are supporting his stance while on the other hand, the defendants have only exhibited the impugned documents during the course of their evidence, therefore, it is proved on record that correct date of birth of the plaintiff is 25.05.1987 instead of 25.05.1992. 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. 03, the plaintiff has proved through cogent evidence that his correct date of birth is 25.05.1987 instead of 25.05.1992. Issues No. 01 & 04 are decided in positive.

22  
Alec  
BAYAZZADA  
Senior Civil Judge  
Orakzai at Baber MCOA

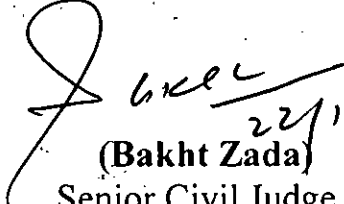
(40)

**RELIEF:**

As sequel to my above issue wise findings, the plaintiff proved his case through cogent evidence, therefore suit of the plaintiff is hereby **decreed** as prayed for with no order as to cost.

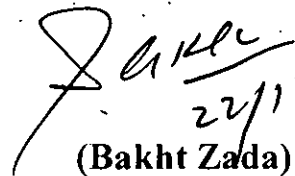
File be consigned to the Record Room after its completion and compilation.

**Announced**  
22.12.2023

  
22/12/23  
**(Bakht Zada)**  
Senior Civil Judge,  
Orakzai (at Baber Mela)

**CERTIFICATE**

Certified that this judgment of mine consists of six (06) pages, each has been checked, corrected where necessary and signed by me.

  
22/12/23  
**(Bakht Zada)**  
Senior Civil Judge,  
Orakzai at (Baber Mela)