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

Civil Suit No. 70/1 of 2021
Date of Institution: 10/11/2021
Date of Decision: 27.05.2022

1. **Khewa Gul s/o Nazar Gul R/O Qoum Rabia Khel, Tappa
Piawo Khel, Sifal Darra, 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:

1. Plaintiff Khewa Gul has brought the instant suit for declaration-cum-permanent injunction against the defendants against the defendants to the effect that correct date of birth of the plaintiff is 07.03.1977 according to his Service Record and Medical Certificate whereas, defendants have wrongly entered the same as 1962 in their record instead of 07.03.1977, which is wrong and ineffective upon the rights of the plaintiff and is liable to correction. That the defendants were asked time and again for correction of date of birth of the plaintiff but they refused to do so, hence the present suit;

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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 "07.03.1977" while defendants have wrongly mentioned the date of birth of the plaintiff as 1962 in their record?*
3. *Whether the plaintiff is entitled to the decree as prayed for?*
4. *Relief?*

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

The issue wise findings of this court are as under: -


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Issue No. 02:

4. The plaintiff alleged in his plaint that correct date of birth of the plaintiff is 07.03.1977 according to his Service Record and Medical Certificate whereas, defendants have wrongly entered the same as 1962 in in their record instead of 07.03.1977, which is wrong and ineffective upon the rights of the plaintiff and is liable to correction. That the defendants

were asked time and again for correction of date of birth of the plaintiff but they refused to do so, hence the present suit;

Plaintiff in support of his contention produced witnesses, in whom the one Mr. Haji Muhammad, relative of the plaintiff, appeared as PW-01 and narrated the same story as in the plaint and produced his own CNIC which is Ex.PW-1/1. Further, Mr. Mian Gul, the cousin of the plaintiff appeared as PW-02 and narrated the same story as in the plaint and produced his own CNIC which is Ex.PW-2/1. Further Mr. Muhammad Zahid, son/special attorney of the plaintiff, appeared as PW-03, and narrated the same story as in the plaint and produced his own CNIC, special power of attorney and copy of CNIC of the plaintiff as Ex.PW-3/1, Ex.PW-3/2 and Ex.PW-3/3. Further, Mr. Atif Ullah, record keeper of police department, Orakzai appeared as PW-04, produced the original service book and medical certificate of the plaintiff and that according to these documents, the date of birth of the plaintiff is 07.03.1977 which are Ex.PW-4/1 and Ex.PW-4/2 respectively. All these witnesses have been cross-examined but nothing tangible have been extracted out of them during cross-examination.

The defendants produced only one witness as the



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record keeper of NADRA, Orakzai appeared as DW-01, who produced the CNIC Processing Form of the plaintiff and according to that the plaintiff registered the CNIC in 2004 through MNIC No. 147-62-020371 and the date of birth of the plaintiff was registered 1962 on the basis of his MNIC which is Ex.DW-1/1. Further he produced the Family Tree of the plaintiff which is Ex.DW-1/2, but admitted in his cross examination that the old CNIC of the plaintiff is not available in the record of the defendants.

Arguments heard and record perused.

After hearing of arguments and perusal of record I am of the opinion that the plaintiff established his case through oral and documentary evidence. Also the defendants have no record of the old CNIC of the plaintiff which is the single piece of evidence alleged by the defendants against the plaintiff; therefore, the issue is decided in positive.


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Issue No. 01 & 03:

Both these issues are interlinked, hence, taken together for discussion. As sequel to my findings on issue No. 03, the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Both these issues are decided in positive.

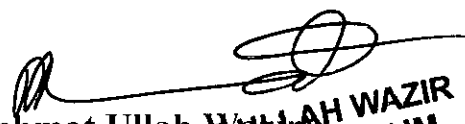
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RELIEF:

As sequel to my above issue wise findings, the suit of the plaintiff is hereby decreed as prayed for with no order as to costs.

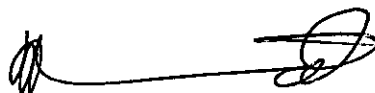
File be consigned to the Record Room after its completion and compilation.

Announced
27.05.2022


(Rehmat Ullah Wazir)
Senior Civil Judge/JM,
Orakzai (at Baber Mela)

CERTIFICATE

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


(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)

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