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

Civil Suit No. 77/1 of 2021  
Date of Institution: 21/12/2021  
Date of Decision: 13/04/2022

**1. Muhammad Dawood s/o Abdul Latif Khan, R/O Bilyanai,  
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 Muhammad Dawood has brought the instant suit for declaration-cum-perpetual and mandatory injunction against defendants Chairman NADRA, Islamabad, Pakistan, Director General NADRA, Peshawar, KPK, through Assistant Director, District Orakzai seeking therein that the correct date of birth of the plaintiff is 15.03.2006 according to his Matric certificate, whereas, defendants have wrongly entered the same as 21.09.2003 in their record instead of 15.03.2006 which is wrong and ineffective upon the rights of the plaintiff and is liable to correction. That the defendants were asked time and

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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 contested the suit by filing their written statement but later on, remained absent, hence, placed and proceeded ex-parte.

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 "15.03.2006" while defendants have wrongly mentioned the date of birth of the plaintiff as 21.09.2003 in their record?*
3. *Whether plaintiff is entitled to the decree as prayed for?*
4. *Relief?*

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

Issue wise findings of this court are as under: -

**Issue No. 02:**

4. The plaintiff alleged in his plaint that the correct date of birth of the plaintiff is 15.03.2006 according to his Matric certificate, whereas, defendants have wrongly entered the same as 21.09.2003 in their record instead of 15.03.2006 which is wrong and ineffective upon the rights of the plaintiff and is

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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;

The plaintiff produced witnesses in whom, the one Abdul Latif Khan, father of the plaintiff, appeared as PW-01, who supported the stance of the plaintiff by narrating the same story as in the plaint and exhibited his CNIC as Ex.PW-1/1. Further, he the one Manzoor Ahmad, relative of the plaintiff, appeared as PW-02, who supported the stance of the plaintiff and exhibited his CNIC as Ex.PW-2/1. Further, the plaintiff himself appeared as PW-03, who produced the copy of his Matric DMC and provisional certificate of Government Higher Secondary School, Dhoda Kohat and according to which his date of birth is 15.03.2006, Further produced his CNIC as Annex-A according to which his date of birth is 21.09.2003.

Ex-Parte arguments heard and record perused.

After hearing of ex-parte arguments and perusal of record, I am of the opinion that the plaintiff mainly rely on his school record which are earlier in time and bear the presumption of truth unless rebutted. Thus, the plaintiff established his claim through cogent and reliable evidence; therefore, the issue is decided in positive.

**Issue No. 01 &03:**

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

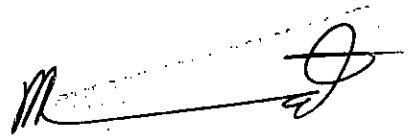
As sequel to my findings on issue No. 2, the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Both these issues are decided in negative.

**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.

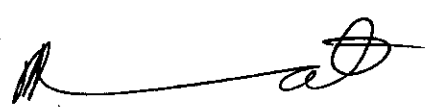
File be consigned to the Record Room after its completion and compilation.

**Announced**  
13/04/2022

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

**CERTIFICATE**

Certified that this judgment of mine consists of Four (04) pages, each has been checked, corrected where necessary and signed by me.

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