

(69)

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

Civil Suit No. 74/1 of 2021
Date of Institution 06/12/2021
Date of Decision: 19/04/2022

**1. Rehmat Ullah s/o Naimat Shah, R/O Section Ali Khel, Sub
Section Aimal Khan Khel, Tehsil Upper, District Orakzai.**
(Plaintiff)

VERSUS

1. **Chairman NADRA, Islamabad, Pakistan.**
2. **Director General NADRA, KPK, Peshawar.**
3. **Assistant Director, NADRA, District Orakzai.**
Through
Assistant Director NADRA, Orakzia.....
4. **The Principal Islamia Public School, Zargerri.**
5. **The Principal Al Qalam Public School, Zargerri.**
6. **The Chairman BISE Kohat.**
7. **The Secretary BISE Kohat.**

(Defendants)

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

JUDGEMENT:

1. Plaintiff Rehmat Ullah has brought the instant suit for declaration-cum-perpetual and mandatory injunction against the defendants to the effect that correct date of birth of the plaintiff is 11.10.2003 whereas, defendants have wrongly entered the same as 11.10.2006 in the CNIC and school record instead of 11.03.2003, which is wrong and ineffective upon the rights of the plaintiff and is liable to correction. That the defendants were asked

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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, in whom defendants No. 01, 02 & 03 appeared before the court through their representative namely Syed Farhat Abbas and defendants No. 06 & 07 through legal advisor Mr. Shaheen Advocate who contested the suit by filing their written statement while defendants No. 04 & 05 failed to appear before the court, 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 "11.10.2003" while defendants have wrongly mentioned the date of birth of the plaintiff as 11.10.2006 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.

Issue wise findings of this court are as under: -

Issue No. 02:

The plaintiff alleged in his plaint that correct date

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of his birth is 11.10.2003 whereas, defendants have wrongly entered the same as 11.10.2006 in their record instead of 11.10.2003, 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;

The plaintiff produced witnesses, in whom the plaintiff himself appeared as PW-01 and narrated the same story as in the plaint but admitted in his cross examination that his father biometrically verified his CNIC and that the entry was made in the CNIC from the Roll Number Slip of class 9th. Further Mr. Naimat Shah, father of the plaintiff appeared as PW-02, who supported the stance of the plaintiff by narrating the same story as in the plaint and exhibited his CNIC as Ex.PW-2/1. Further, Abdul Wakil, brother of the plaintiff appeared as PW-03, who also supported the stance of the plaintiff by narrating the same story as in the plaint and exhibited his CNIC as Ex.PW-3/1. Further, Khan Wada, record keeper, Al Qalam Public School, appeared as PW-04 and stated that the correct date of birth of the plaintiff namely Rehmat Ullah s/o Naimat Shah is 11.10.2006 according to School Certificate and Admission & Withdrawal

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Register, which are Ex.PW-4/1 and Ex-PW-4/2 respectively.

The defendants No. 01 to 03 produced only one witness as the record keeper of NADRA, Orakzai who appeared as DW-01, who produced the CNIC processing form of the plaintiff which is Ex.DW-1/1, the family tree of the plaintiff which is Ex.DW-1/2, and that according to these documents, the date of birth of the plaintiff is mentioned as 11.10.2006.

The defendants no. 06 & 07 produced their witness as DW-02 who relied on NADRA record and school record of the plaintiff already produced by the plaintiff.

Arguments heard and record perused.

After hearing of arguments and perusal of the record, I am of the opinion that the plaintiff failed to produce any solid piece of evidence in support of his contention rather the only one witness of record produced by him in the shape of PW-04 also spoke against the claim of the plaintiff. Thus, the plaintiff badly failed to prove his case, therefore, the issue is decided in negative.

Issue No. 01 & 03:

Both these issues are interlinked, hence, taken together for discussion. As sequel to my findings on

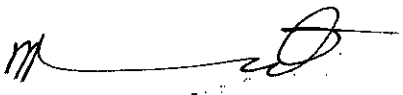
issue No. 2, the plaintiff has got no cause of action and therefore not entitled to the decree as prayed for. Both these issues are decided in negative.

RELIEF:

As sequel to my above issue wise findings, the suit of the plaintiff is hereby dismissed with costs.


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

Announced
19.04.2022


(Rehmat Ullāh Wazir)
Senior Civil Judge,
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)