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

Civil Suit No. 68/1 of 2021
Date of Institution: 10/11/2021
Date of Decision: 12/05/2022

**Bismillah Khan S/O Mula Khan R/O Qoum Mamozai, Tappa
Abdur Reheem Khel, Orhi, Tehsil Upper, 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 has brought the instant suit for declaration-cum-perpetual and mandatory injunction against the 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 01.01.2003 whereas, defendants have wrongly entered the date of birth of plaintiff as 01.01.1993 in their record instead of 01.01.2003. That the date of birth of Mst. Itbar Bibi who is the mother of the plaintiff is 01.01.1986 according to her CNIC No. 21301-3286174-0, thus, there is an unnatural gap of 07 years between the dates of birth of the plaintiff and his mother, which is wrong and ineffective upon

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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;

2. Defendants were summoned, who appeared before the court through their representative namely Syed Farhat Abbas 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 "01.01.2003" while defendants have wrongly mentioned the date of birth of the plaintiff as 01.01.1993 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:

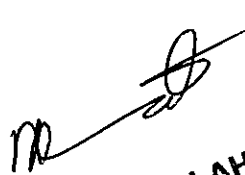
4. The plaintiff alleged in his plaint that the correct date of birth of the plaintiff is 01.01.2003 whereas, defendants have wrongly entered the date of birth of plaintiff as 01.01.1993 in their record instead of 01.01.2003. That the date of birth of Mst. Itbar Bibi who is the mother of the plaintiff is 01.01.1986

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according to her CNIC No. 21301-3286174-0, thus, there is an unnatural gap of 07 years between the dates of birth of the plaintiff and his mother, 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 plaintiff himself appeared as PW-01 and narrated the same story as in the plaint and exhibited his CNIC as Ex.PW-1/1. He also produced the copy of the CNIC of his mother which is Ex.PW-1/2. Further, Taj Muhammad, maternal uncle of the plaintiff, appeared as PW-02, who also 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, Itbar Begum, mother of the plaintiff, appeared as PW-03 who also supported the stance of the plaintiff by narrating the same story as in the plaint. She produced her CNIC as Ex.PW-2/1.

In order to counter the claim of the plaintiff, the defendants produced witness, Mr. Syed Farhat Abbas, the representative of the defendants, appeared as DW-01, who produced Processing Detail Form and according to which the plaintiff made his first CNIC in 2011 and also produced the Family Tree of the plaintiff and according to these, the date of birth of the plaintiff


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is 01.01.1993. The Processing Detail Form and Family Tree of the plaintiff are Ex.DW-1/1 and Ex.DW-1/2 respectively.

Arguments heard and record perused.

After hearing of arguments and perusal of record, I am of the opinion that as per the record, there is a gap of 07 years between the dates of birth of the plaintiff and his mother, which is unnatural and impossible. This single proof is sufficient to prove his contention to be true; 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 plaintiffs have got a cause of action and therefore entitled to the decree as prayed for. Both these issues are decided in positive.

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
12.05.2022

REHMAT ULLAH WAZIR
Senior Civil Judge/JM,
(Orakzai at Baber Mela)
Senior Civil Judge,
Orakzai (at Baber Mela)

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CERTIFICATE

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


REMAT ULLAH WAZIR
Senior Civil Judge/JM,
~~(Orakzai at Baber Mela)~~
Senior Civil Judge,
Orakzai (at Baber Mela)