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

Civil Suit No. 77/1(neem) of 2021
Date of Original Institution: 21.12.2021
Date of Remand, Back: 31.05.2022
Date of Decision: 31.05.2022

**Muhammad Daud 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 Daud 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 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 12.12.2003, 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. The case is remanded back to the undersigned by the worthy District & Sessions Judge, Orakzai vide judgment, Dated: 25.05.2022 upon the appeal of the defendants for recording DW 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 "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 12.12.2003 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;

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.


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The defendants produced only one witness, the representative of the defendants namely Syed Farhat Abbas appeared as DW-01, who produced the Processing Detail Form and according to that the first overseas card was issued to the plaintiff in in Abu Dhabi in 2006 which is Ex.DW-1/1. Further, produced the Family Tree of the plaintiff which is Ex.DW-1/2 and further fully denied the claim of the plaintiff.

Arguments heard and record perused.

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After hearing of arguments and perusal of record, I am of the opinion that the plaintiff mainly rely on his school record which is earlier in time and bear the presumption of truth unless rebutted. Also, the DW has admitted in his cross examination that correction can be made up-to 05 years on the basis of Matric, 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
31.05.2022


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