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

Civil Suit No. 05/1 of 2022
Date of Institution: 07.02.2022
Date of Decision: 21.06.2022

1. **Mst. Lal Pewa Jana w/o Syed Mehmood R/O Qoum Akhel,
Tappa Dalak Nawasi, 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 Mst. Lal Pewa Jana 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 her late mother namely Masta Jana w/o Noor Shah is 1950 whereas, defendants have wrongly entered the same as 1957 in her CNIC No. 21602-3692326-8 instead of 1950, which is wrong, ineffective upon the rights of the plaintiff and liable to correction because the date of birth of the plaintiff is 20.01.1968 according to her CNIC. Thus, there is an unnatural gap of 11 years approximately

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between the dates of birth of the plaintiff and her 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;

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 mother of the plaintiff is "1950" while defendants have wrongly mentioned the date of birth of mother of the plaintiff as 1957 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:

4. The plaintiff alleged in her plaint that correct date of birth of her late mother namely Masta Jana w/o Noor Shah

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is 1950 whereas, defendants have wrongly entered the same as 1957 in her CNIC No. 21602-3692326-8 instead of 1950, which is wrong, ineffective upon the rights of the plaintiff and liable to correction because the date of birth of the plaintiff is 20.01.1968 according to her CNIC. Thus, there is an unnatural gap of 11 years approximately between the dates of birth of the plaintiff and her 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;

5. Plaintiff in support of her contention produced witnesses, in whom the one Mr. Seen Akbar, a 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. Ali Zar Gul, the uncle 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 the plaintiff herself appeared as PW-03, and produced the copy of her CNIC as Ex.PW-3/1. The plaintiff stated that her correct date of birth is 20.01.1968 and date of birth of her mother is 1957 according to her CNIC and thus, there is a

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gap of 11 years approximately between their dates of birth and further narrated the same story as in the plaint. 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, the record keeper of NADRA, Orakzai who appeared as DW-01, and produced the Family Tree (consisting of 02 pages) of the plaintiff and according to that the date of birth of the plaintiff is 20.01.1968 and that of her mother is 1957, which are Ex.DW-1/1 and Ex.DW-1/2, but admitted in his cross examination that it is mandatory that there should be a gap of 16-17 years between the dates of birth of mother and her child.

Arguments heard and record perused.

After hearing of arguments and perusal of record I am of the opinion that the plaintiff established her case through oral and documentary 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. 02, the plaintiff has got a cause of action and therefore

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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
21.06.2022


(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)
REHMAT ULLAH WAZIR
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CERTIFICATE

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


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