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

Civil Suit No. 07/1 of 2022
Date of Institution: 15.02.2022
Date of Decision: 30.06.2022

1. Mst. Janat Bibi w/o Mubin
2. Ilyas s/o Mubin
Both R/O Qoum Mamozai, Tappa Abdur Rahim Khel, 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. Plaintiffs Mst. Janat Bibi and Ilyas have brought instant suit for declaration-cum-permanent injunction against the defendants to the effect that correct name of the plaintiff No. 01 is Janat Bibi, whereas, defendants have wrongly entered the same as Jan Bibi in their record instead of Janat Bibi. That Plaintiff No. 02 is the real son of plaintiff No. 01 and correct date of birth of the plaintiff No. 01 is 01.01.1975 while it has been wrongly mentioned as 01.01.1983 by the defendants in her CNIC and the correct date of birth of plaintiff No. 02 is 01.01.1993 while it has


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been mentioned in the record of the defendant as 01.01.1983, which results into an unnatural gap of 10 years between the dates of birth of the plaintiff No. 01 (mother) and plaintiff No. 02 (son), which is wrong and ineffective upon the rights of the plaintiffs and is liable to correction. That the defendants were asked time and again to do the aforesaid corrections, 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 name of the mother of the plaintiff No. 02 is Janat Bibi while it has been wrongly entered as Jan Bibi by the defendants?*
3. *Whether the correct date of birth of the plaintiff No. 01 is 01.01.1975 while it has been wrongly entered as 01.01.1983 in her CNIC by the defendants?*
4. *Whether the plaintiffs are entitled to the decree as prayed for?*
5. *Relief?*

Parties were given an opportunity to produce evidence which

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they did accordingly.

Issue wise findings of this court are as under: -

Issue No. 02 & 03:

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

The plaintiff alleged in their plaint that the correct name of the plaintiff No. 01 is Janat Bibi, whereas, defendants have wrongly entered the same as Jan Bibi in their record instead of Janat Bibi. That Plaintiff No. 02 is the real son of plaintiff No. 01 and correct date of birth of the plaintiff No. 01 is 01.01.1975 while it has been wrongly mentioned as 01.01.1983 by the defendants in her CNIC and the correct date of birth of plaintiff No. 02 is 01.01.1993 while it has been mentioned in the record of the defendant as 01.01.1983, which results into an unnatural gap of 10 years between the dates of birth of the plaintiff No. 01 (mother) and plaintiff No. 02 (son), which is wrong and ineffective upon the rights of the plaintiffs and is liable to correction. That the defendants were asked time and again to do the aforesaid corrections, but they refused to do so, hence the present suit

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5. Plaintiffs in support of their contention produced witnesses, in whom the plaintiff No. 02 for himself and as a special attorney for the plaintiff No. 01 appeared as PW-01 and narrated the same story as in the plaint. Further, Mr. Mubin, the husband of the plaintiff No. 01 and the father of the plaintiff No. 02 appeared as PW-02 and stated that he got married with the plaintiff No. 01 in the year 1990 and that the correct date of birth of the plaintiff No. 01 is 1975 and further that he got his first child out of the wedlock namely Haneef in the year 1991 while the plaintiff No. 02 in the year 1993 and further narrated the same story as in the plaint and produced his own CNIC which is Ex.PW-2/1. Further the one Ismail, a relative of the plaintiff appeared as PW-03, who supported the stance of the plaintiffs by narrating 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, as Mr. Syed Farhat Abbas appeared as DW-01, who produced the track record of the plaintiffs which are Ex.DW-1/1 and Ex.DW-1/2 and further produced the Family Tree of the plaintiffs as Ex.DW-1/3 and according to that the date of

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birth of the plaintiff No. 01 is 01.01.1983 and that of the plaintiff No. 02 is 01.01.1993. But admitted in his cross examination that legally there should be a difference of 16 years and 06 months in the dates of birth of a mother and her child while in the case of the present plaintiffs, it is only 10 years.

Arguments heard and record perused.

After hearing of arguments and perusal of record I am of the opinion that the plaintiffs established their case through oral and documentary evidence. Solid evidence is produced with respect to the dates of birth of both the plaintiffs as it is naturally not possible for the plaintiff No. 01 to have a child in the shape of the plaintiff No. 02 in the age of 10 years. So far as the name of the plaintiff No. 01 is concerned, a solid piece of evidence is produced by the plaintiffs, which the defendants failed to rebut. Therefore, both the issues are decided accordingly.

Issue No. 01 & 04:

Both these issues are interlinked, hence, taken together for discussion. As sequel to my findings on issue No. 02 & 03, the plaintiffs have got a cause of action and therefore entitled to the decree as prayed for. Both these

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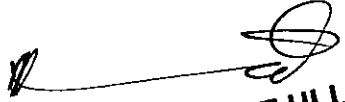
issues are decided in positive.

RELIEF:

As sequel to my above issue wise findings, the suit of the plaintiffs is hereby decreed as prayed for with no order as to costs.

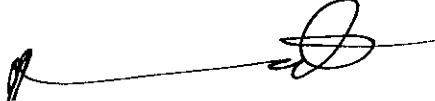
File be consigned to the Record Room after its completion and compilation.

Announced
30.06.2022


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

CERTIFICATE

Certified that this judgment of mine which consists of six (06) pages, each has been checked, corrected where necessary and signed by me.


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