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

Civil Suit No. 13/1 of 2022
Date of Institution: 18.03.2022
Date of Decision: 14.07.2022

1. **Mst. Mian Khela W/O Dost Rehman R/O Qoum Ali Khel, Aimal Khan Khel, Teri, 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. Mian Khela has brought the instant suit for declaration-cum-permanent injunction against the defendants to the effect that correct date of birth of the plaintiff is 01.01.1965, whereas, defendants have wrongly entered the same as 01.01.1977 in their record instead of 01.01.1965. That the correct date of birth of the real son namely Khaista Rehman, of the plaintiff is 1980, which results into an unnatural gap of 03 years between the dates of birth of the plaintiff and her 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

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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 date of birth of the plaintiff is "01.01.1965" while defendants have wrongly entered the date of birth of plaintiff as 01.01.1977 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 the plaintiff is 01.01.1965, whereas, defendants have wrongly entered the same as 01.01.1977 in their record instead of 01.01.1965. That the correct date of birth of the real son namely Khaista Rehman, of the plaintiff is 1980,

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which results into an unnatural gap of 03 years between the dates of birth of the plaintiff and her 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;

5. Plaintiff in support of her contention produced witnesses, in whom the one Dost Rehman, husband of the plaintiff, appeared as PW-01 and stated that he was married in 1977 and the age of his wife at that time was 15/16 years. Further narrated the same story as in the plaint and produced the copy of his CNIC which is Ex.PW-1/1. Further, Abdul Samad, relative of the plaintiff, appeared as PW-02, who supported the stance of the plaintiff by narrating the same story as in the plaint and produced the copy of his CNIC which is Ex.PW-2/1. Both these witnesses have been cross-examined but nothing tangible have been extracted out of them during cross-examination.

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The defendants produced only one witness, as Mr. Syed Farhat Abbas, the representative of the defendants appeared as DW-1, who produced CNIC Processing Detail Form and Family Tree of the plaintiff, according to which the

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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
14.07.2022


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