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

Civil Suit No. 10/1(neem) of 2022
Date of Original Institution: 23.02.2022
Date of Remand Back: 14.07.2022
Date of Decision: 24.11.2022

Abdul Khaliq s/o Dalil Khan R/O Qoum Akhel, Dalak Nawasi, Tehsil Ismail Zai, Disrict 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 **Abdul Khaliq** has brought the instant suit for declaration-cum-perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that his correct date of birth is **10.04.2000** according to record of Collegiate Public High School Ghiljo, District Orakzai while it has been wrongly mentioned as 01.01.1992 in his CNIC by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were repeatedly asked to correct the date of birth of plaintiff but they refused, hence, the instant suit.

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The case is remanded back to the undersigned by the Worthy District & Sessions Judge, Orakzai vide judgment, Dated: 06.07.2022 with directions to frame issues and to provide opportunity to both the parties to adduce evidence in respective contentions.

Accordingly, divergent pleadings of the parties were reduced into the following issues;

Issues:

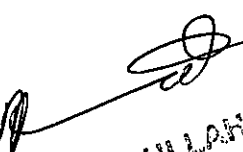
1. *Whether the plaintiff has got cause of action?*
2. *Whether the correct date of birth of the plaintiff is "10.04.2000" while defendants have wrongly mentioned the date of birth of the plaintiff as "01.01.1992" in their record.*
3. *Whether plaintiff is entitled to the decree as prayed for?*
4. *Relief?*

Parties were given an opportunity to produce evidence, which they did accordingly.

Issue wise findings of this court are as under: -

Issue No. 02:

2. The plaintiff alleged in his plaint that his correct date of birth is 10.04.2000 according to record of Collegiate Public High School Ghiljo, District Orakzai while it has been wrongly mentioned as 01.01.1992 in his CNIC by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were repeatedly asked to



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correct the date of birth of plaintiff but they refused, hence, the instant suit.

The plaintiff produced witnesses in whom, the one Rehmat Gul, maternal uncle 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, the one Muhammad Janan, Principal Collegiate Public School, appeared as PW-02, who produced the Admission and Withdrawal Register of the said school and according to that, the correct date of birth of the plaintiff is 10.04.2000. The copy of the Admission and Withdrawal Register is Ex.PW-2/1 while the copy of his CNIC is Ex.PW-2/2. Further, the plaintiff himself appeared as PW-03, who narrated the same story as in the plaint. Further, produced his CNIC as Ex.PW 3/1. All 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, the representative of the defendants namely Irfan Hussain, appeared as DW-01, who produced the Family Tree of the plaintiff and according to that, the date of birth of the plaintiff is 01.01.1992, which is Ex.DW-1/1. Further, produced RTS record, and according to that the first CNIC was issued to the plaintiff on 24.01.2011, which is Ex.DW-1/2. During cross

examination, he admitted that correction in date of birth of the plaintiff would not affect his family tree and he would have no objection if the courts corrects the date of birth of the plaintiff.


Arguments heard and record perused.

After hearing of arguments and perusal of record, I am of the opinion that the plaintiff mainly relies 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 and admitted that the Family Tree of the plaintiff will not be affected if his date of birth is corrected and the defendants would have no objection over its correction.

Thus, in the light of the aforesaid findings, the issue is decided in positive.

Issue No. 01 & 03:

Both these issues are interlinked, hence, taken together


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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.

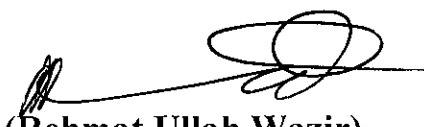
RELIEF:

As sequel to my above issue wise findings, the suit of the plaintiff is hereby **decreed as prayed for with costs.**

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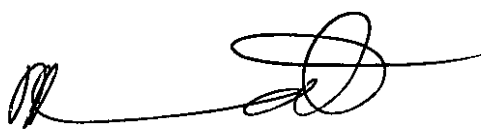
File be consigned to the Record Room after its completion and compilation.

Announced
24.11.2022


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

CERTIFICATE

Certified that this judgment of mine 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)