

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

Civil Suit No.	97/1 of 2022
Date of Institution:	20.10.2022
Date of Decision:	22.12.2022

1. **Mian Gul s/o Gul Min Shah R/O Saifal Darra, Tehsil Ismail Zai, District Orakzai**

(Plaintiff)

VERSUS

2. **Director General NADRA, Islamabad, Pakistan.**
 3. **Deputy Director NADRA, KPK, Peshawar.**
 4. **District Registration Officer, Orakzai**

(Defendants)

**SUIT FOR DECLARATION-CUM-PERPETUAL AND
 MANDATORY INJUNCTION**

JUDGEMENT:

1. Plaintiff Mian Gul has brought the instant suit for declaration-cum-permanent and mandatory injunction against the defendants to the effect that correct date of birth of the plaintiff is 01.07.1969 according to his Service Book record of police, whereas, defendants have wrongly entered the same as 1962 in his CNIC, 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 the plaintiff is "01.07.1969" while defendants have wrongly mentioned the date of birth of the plaintiff as 1962 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:

The plaintiff alleged in his plaint that correct date of birth of the plaintiff is 01.07.1969 according to his Service Book record of police, whereas, defendants have wrongly entered the same as 1962 in his CNIC, 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

REHMAT ULLAH WEZIR
Senior Civil Judge/JM,
Orakzai at Baber Mela

do so, hence the present suit;

Plaintiff in support of his contention produced witnesses, in whom the one Mr. Atif Ullah, record keeper of Police Department, District Orakzai, appeared as PW-01, who supported the stance of the plaintiff by narrating the same story as in the plaint and produced the Service Book which consists of 03 pages, Medical Certificate of the plaintiff and No Objection Certificate, which are Ex.PW-1/1 to Ex.PW-1/3 respectively. Further, Mr. Mian Gul, the plaintiff himself 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, Muhammad Tariq, a relative of the plaintiff appeared as PW-03 and supported the stance of the plaintiff by narrating the same story as in the plaint and produced his CNIC, the copy of which is Ex.PW-3/1. Further, produced Umar Wazir, maternal cousin of the plaintiff appeared as PW-04, who supported the stance of the plaintiff by narrating the same story as in the plaint and exhibited his CNIC as Ex.PW-4/1. All these witnesses have been cross-examined but nothing tangible has been extracted out of them during cross-examination.

The defendants produced only one witness as the

record keeper of NADRA, Orakzai appeared as DW-01, who produced the Alpha Family Tree and Beta Family Tree, which are Ex.DW-1/1 and Ex.DW-1/2 respectively and according to these, the date of birth of the plaintiff is 1962 and renewed his CNIC on the basis of these conditions and admitted the same as true and correct but admitted in his cross examination that the scanned form of the plaintiff is not available in their record because the plaintiff has processed his first CNIC before the year 2011 and after that in 2012, he has received his CNIC in reprint, the CNIC form of which is also not available. That affidavit regarding the date of birth of the plaintiff and family tree of all the siblings of the plaintiff is not available in NADRA record

REHMAT ULLAH WAZIR
Senior Civil Judge/JM,
Orakzai at Baber Mela

Arguments heard and record perused.

After hearing of arguments and perusal of record I am of the opinion that the plaintiff established his case through oral and documentary evidence. Also, the plaintiff is not changing his date of birth in his service record which would have been against the terms and conditions of service and which might have affected the rights of any third person. Also the defendants have not produced any solid piece of evidence to counter the claim of the plaintiff; therefore, the

46

issue is decided in positive.

Issue No. 01 & 03:

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

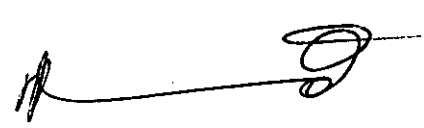
As sequel to my findings on issue No. 02, the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Both these issues are decided in positive.

RELIEF:

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


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

Announced
22.12.2022


(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)