

IN THE COURT OF BAKHT ZADA,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No.	12/01 of 2024
Date of Institution:	26.02.2024
Date of Decision:	29.03.2024

Sami Ul Haq s/o Sher Mast, R/O Qoum Sheikhan, Tappa Umer Zai, Dago, Tehsil Central, District Orakzai.

(Plaintiff)

VERSUS

1. General Registrar NADRA, Islamabad.
2. Deputy Registrar NADRA, Peshawar, KPK.
3. Assistant Director NADRA

Through
System Engineer NADRA, District Orakzai.

(Defendants)

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

JUDGEMENT:

1. Plaintiff Sami Ul Haq s/o Sher Mast has brought the instant suit against defendants, General Registrar NADRA Islamabad and 02 others for declaration-cum-perpetual and mandatory injunction to the effect that his correct date of birth is 07.01.2007 as per his school record and birth certificate, but the same has been wrongly entered in his form "B" as 01.01.2003 which needs rectification. He alleged that the defendants were asked time and again for correction of his date of birth, but they refused to do so, hence the present suit;

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2. Defendants were summoned, who appeared before the court through their representative who submitted 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 07.01.2007 and the defendants have wrongly entered the same as 01.01.2003 in his form "B"?*
3. *Whether plaintiff is entitled to the decree as prayed for?*
4. *Relief?*

Parties were given opportunity to produce evidence in support of their respective claims. The plaintiff produced and recorded the statements of following PWs;

PW-01: Muhammad Ullah s/o Sher Mast, brother of plaintiff, appeared as PW-01 who repeated the contents of the plaint. He exhibited the copies of his CNIC as Ex.PW-1/1, birth certificate of the plaintiff as Ex.PW-1/2 and Matric DMC and certificate of the plaintiff as Ex.PW-1/3 & Ex.PW-1/4 respectively.

PW-02: Umer Khela w/o Sher Mast, mother of the plaintiff, appeared as PW-02 who supported the stance of the plaintiff. Copy of her CNIC is Ex.PW-2/1.

PW-03: Muhammad Saeed s/o Latif Khan, relative of the

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plaintiff, appeared as PW-03 who also supported the stance of the plaintiff. Copy of his CNIC is Ex.PW-3/1.

On the other hand, representative for the defendants, Irfan Hussain recorded his statement as DW-01, wherein he produced Family Tree which is Ex.DW-1/1 and denied the claim of the plaintiff by repeating the contents of his written statement.

After closing of evidence of the parties, arguments of the learned counsel for the parties were heard and available record perused.

My Issue wise findings are as under: -

Issue No. 02:

The plaintiff through has alleged that his correct date of birth is 07.01.2007 as per his school record and birth certificate, but the same has been wrongly entered in his form "B" as 01.01.2003 which needs rectification.

In order to prove the factum of date of birth of the plaintiff, his elder brother namely Muhammad Ullah appeared as PW-01 and exhibited his CNIC, the copy of which is Ex.PW-1/1, birth certificate of the plaintiff is produced which is Ex.PW-1/2 and Matric DMC and certificate of the plaintiff as Ex.PW-1/3 & Ex.PW-1/4

respectively.

The birth certificate, Matric DMC and certificate are authentic documents and have preference over the other documents i.e

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NADRA record. Furthermore, the statement of mother of the plaintiff Mst. Umer Khela recorded as PW-02 is also of great worth and being natural witness of birth of the plaintiff, her statement carries weight and has got presumption of correctness. The wrong entry of date of birth of the plaintiff will lead to complications in his daily life activities. All the PWs and documents produced by the plaintiff are supporting his stance while on the other hand, defendants have nothing on record to rebut the claim of the plaintiff, therefore, it is proved on record that correct date of birth of the plaintiff is 07.01.2007 instead of 01.01.2003. 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 proved through cogent evidence that his correct date of birth is 07.01.2007 instead of 01.01.2003. Issues No. 01 & 04 are decided in positive.

RELIEF:

As sequel to my above issue wise findings, the plaintiff proved his case through cogent evidence, therefore suit of the



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plaintiff is hereby ~~decreed~~ as prayed for with no order as to cost.


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

Announced
29.03.2024


(Bakht Zada)
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.


(Bakht Zada)
Senior Civil Judge,
Orakzai at (Baber Mela)