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**IN THE COURT OF SYED ABBAS BUKHARI,**  
CIVIL JUDGE-II, TEHSIL COURTS, KALAYA, ORAKZAI

Civil Suit No. 02/1 of 2024  
Date of Original Institution: 15.02.2024  
Date of Decision: 15.03.2024

**Mst. Romial Bibi W/O Younas Khan,** Qom Feroz  
Khel, Tappa Qeemat Khel, Saam, Tehsil Lower, District:  
Orakzai.

.....(Plaintiff)

**VERSUS**

**Chairman, NADRA, Islamabad**  
**Director General NADRA, Peshawar.**  
**Assistant Director, NADRA District Orakzai**

.....(Defendants)

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

**JUDGMENT**

15.03.2024

1. Brief facts of the case in hand are that attorney for the plaintiff Inayat Ullah has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct date of birth of plaintiff is **01.01.1960**, while defendants have incorrectly entered the same as 01.01.1970 in their record, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were asked

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15-03-2024



time and again to do the aforesaid correction but they refused, hence, the present suit;

2. Defendants were summoned, they appeared through their representative namely Syed Irfan Hussain and filed their written statement whereby they objected the suit on factual and legal grounds.
3. Divergent pleadings of the parties were reduced into the following issues;

**Issues:**

1. Whether the plaintiff has got a cause of action? OPP
2. Whether the correct date of birth of plaintiff is **01.01.1960** while it has been incorrectly entered as 01.01.1970 in her CNIC by defendants? OPP
3. Whether the plaintiff is entitled to the decree as prayed for?
4. Relief?

Issue wise findings of this court are as under: -

**Issue No. 02:**

The plaintiff alleged in her plaint that correct date of birth of plaintiff is **01.01.1960**, while defendants have incorrectly entered the date of birth of plaintiff as 01.01.1970 in their record which is wrong, ineffective upon the rights of plaintiff and liable to be corrected.

The plaintiff produced witnesses in whom Inayat Ullah S/O Younas Khan, the attorney/son

*Syed Irfan Hussain*  
SYED ABAAS BUKHARI  
Tehsil Courts Kalya  
Civil Judge (III)  
Kalya-50-51

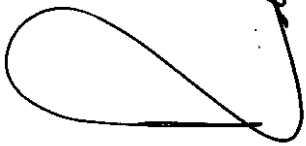
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for plaintiff, appeared as PW-01. He stated correct date of birth of plaintiff is 01.01.1960 and date of birth of daughter of plaintiff is 01.01.1980, there exist an unnatural gap of 10 years between plaintiff and her daughter namely Mst. Iktiara Bibi W/O Banaras Khan. He produced copy of plaintiff CNIC, Husband CNIC of plaintiff and daughter CNIC of plaintiff which is Ex. PW-1/1. His copy of CNIC is Ex. PW-1/2 and special power of attorney is Ex. PW-1/3. During cross examination he nothing tangible has been extracted out of him.

Shah Nawaz S/O Khitab Gul, appeared and deposed as PW-02. He supported the stance of the plaintiff as narrated in the plaint. During cross examination nothing contradictory has been extracted out of him. Thereafter plaintiff closed their evidence with a note.

In order to counter the claim of the plaintiff, defendants produced only one witness, the representative of the defendants who appeared as DW-01. His authority letter is Ex. DW-1/1. He stated that plaintiff has renewed her CNIC in 2021 and disclosed her date of birth as 01.01.1970. He further allege that according to NADRA SOPs there must of a difference of 17/18 years between mother

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Civil Judge (RII)



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and her son/daughter and the same is not possible to process or renew the CNICs of plaintiff and her daughter. During cross examination he admitted that CNIC of plaintiff is blocked due to existence of an unnatural gap with her daughter Mst. Ikhtiara Bibi. It is correct that unnatural gaps in the ages will be corrected according to NADRA SOPs.

Thereafter representative for defendants closed their evidence with a note.

In light of above discussion as plaintiff succeeded to prove her stance by producing cogent, convincing and reliable evidence and nothing in rebuttal has been brought on record by the opposite party. Furthermore it is also pertinent to mention here that there exist an unnatural gap between ages of plaintiff and her daughter namely Mst. Ikhtiara Bibi. The age difference between the age of plaintiff and her daughter is against the order of nature and impossible, accordingly, the issue in hand is hereby 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

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District Council District  
Date: 50-51

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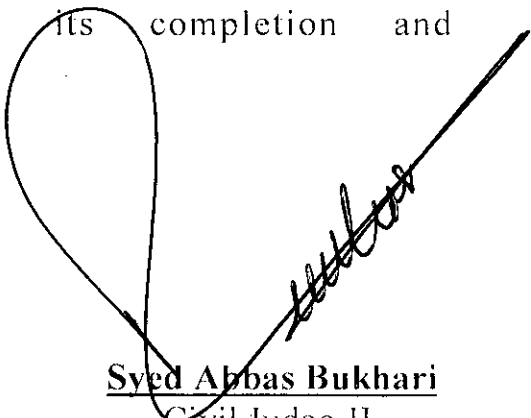
entitled to the decree as prayed for. Thus, both these issues are decided in positive.

**RELIEF:**

As sequel to my above issue wise findings, the suit of the plaintiff is hereby **decreed** as prayed for, subject to submission of court fee of Rs-500/- within 30 days of instant decree otherwise this decree shall have got no effect or legal force and defendants are hereby directed to enter the correct date of birth of plaintiff as **01.01.1960** in their official record. No order as to costs.

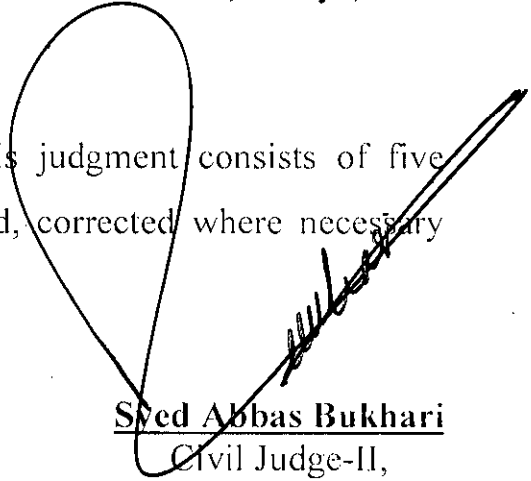
File be consigned to the District Record Room, Orakzai after its completion and compilation.

**Announced**  
**15.03.2024**

  
**Syed Abbas Bukhari**  
Civil Judge-II,  
Tehsil Court, Kalaya, Orakzai

**CERTIFICATE**

Certified that this judgment consists of five (05) pages, each has been checked, corrected where necessary and signed by me.

  
**Syed Abbas Bukhari**  
Civil Judge-II,  
Tehsil Court, Kalaya, Orakzai