

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

Civil Suit No. 03/1 of 2024  
Date of Original Institution: 20.02.2024  
Date of Decision: 21.03.2024

**Mst. Termina Jan W/O Shabib Ali,** Qom Bar  
Muhammad Khel, Tapa Khuidad Khel, Kuraiz, Tehsil Lower,  
District: Orakzai.

.....(Plaintiff)

**VERSUS**

1. Chairman, NADRA, Islamabad
2. Director General NADRA, Peshawar.
3. Assistant Director, NADRA District Orakzai

.....(Defendants)

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

**JUDGMENT**

21.03.2024

1. Brief facts of the case in hand are that attorney for the plaintiff Mukhtiar Ali 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 **01.01.1976**, while defendants have incorrectly entered the same as 01.01.1988 in their record, which is wrong, ineffective upon the rights of the plaintiff and

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liable to correction. That the defendants were asked 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;

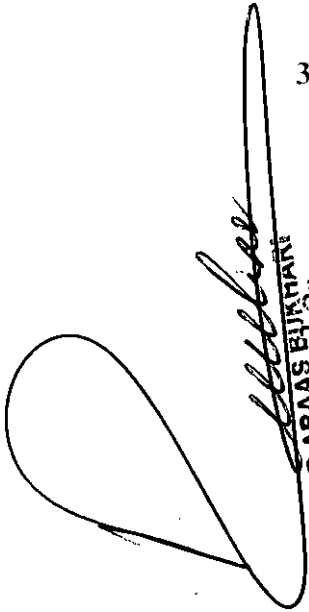
**Issues:**

1. Whether the plaintiff has got a cause of action? OPP
2. Whether the correct date of birth of plaintiff is **01.01.1976** while it has been incorrectly entered as 01.01.1988 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: -

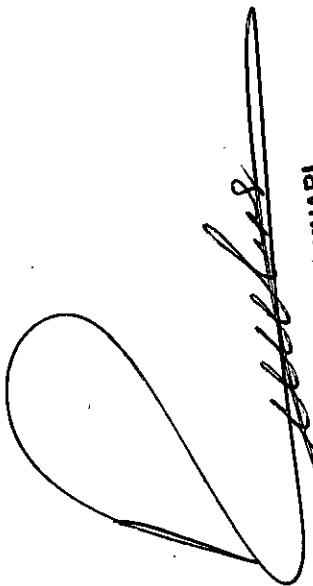
**Issue No. 02:**

The plaintiff alleged in her plaint that correct date of birth of plaintiff is **01.01.1976**, while defendants have incorrectly entered the date of birth of plaintiff as 01.01.1988 in their record which is wrong, ineffective upon the rights of plaintiff and liable to be corrected.



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The plaintiff produced witnesses in whom Mukhtiar Ali S/O Shabib Ali, the attorney/son for plaintiff, appeared as PW-01. He stated that plaintiff has unnatural gap with her son namely Shaheen Ali. That plaintiff correct date of birth is **01.01.1976** while defendants have incorrectly entered the same as 01.01.1988 due to which an unnatural gap is exist between plaintiff and her son Shaheen Ali. His special power of attorney is Ex. PW-1/1. Copies of his CNIC, plaintiff CNIC and Shaheen Ali CNIC are Ex. PW-1/2 to Ex. PW-1/4 respectively. He lastly requested for decree of the suit. During cross examination nothing tangible has been extracted out of him.



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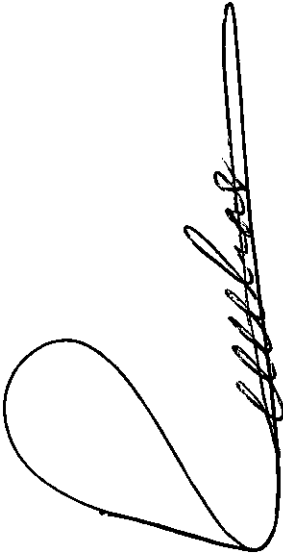
Musawir Ali S/O Kauntar Ali, appeared and deposed as PW-02. He supported the stance of the plaintiff as narrated in the plaint. Copy of his CNIC is Ex. PW-2/1. During cross examination nothing contradictory has been extracted out of him.

Syed Khalil Syed S/O Syed Hassan Jan, appeared and deposed as PW-03. He also supported the stance of plaintiff as narrated in the plaint. During cross examination nothing tangible 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. His authority letter is Ex. DW-1/1. He further stated that plaintiff has made her CNIC on 04.01.2019 and has been entered the date of birth as 01.01.1988. He further allege that according to NADRA SOPs there must of a difference of 17/18 years between mother and her son/daughter and the same is not possible to process or renew the CNICs. During cross examination he admitted that it is true that CNIC of plaintiff has been blocked due to existence of an unnatural gap with her son Shaheen Ali. It is further true that according to NADRA SOPs ages will be corrected on the basis of unnatural differences. 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

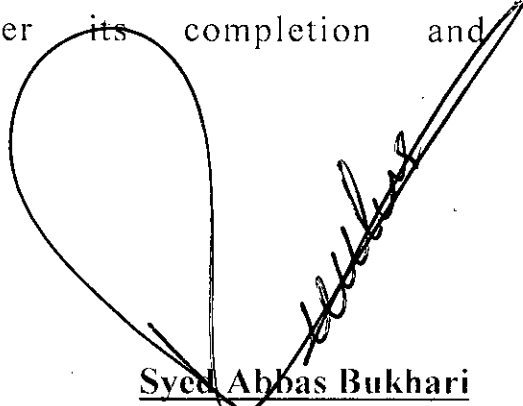


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File be consigned to the District Record Room, Orakzai after its completion and compilation.

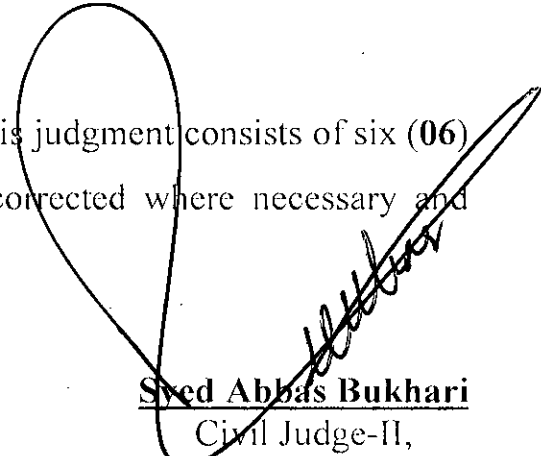
**Announced**  
**21.03.2024**



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**CERTIFICATE**

Certified that this judgment consists of six (06) pages, each has been checked, corrected where necessary and signed by me.



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