

**IN THE COURT OF SAMI ULLAH,**

Civil Judge-I, Orakzai at Baber Mela

Civil Suit No.	13/1 of 2024
Date of Institution:	21/02/2024
Date of Decision:	26/04/2024

**Zulaikha Bibi D/O Nazir Gul**

R/O Qoam Mala Khel, Tappa Char Khel, Kherki, P/O Ghiljo Tehsil Upper, District Orakzai.

.....(Plaintiff)

**VERSUS**

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

..... (Defendants)

**SUIT FOR DECLARATION & PERMANENT INJUNCTION****JUDGEMENT:**

1. Plaintiff has brought the instant suit for declaration-cum-permanent injunction against defendants, seeking therein that correct date of birth of plaintiff is **01.01.1982** but the defendants have wrongly incorporated her date of birth as 19.07.1970 in their record. Similarly, the correct date of birth of mother of plaintiff is 01.01.1965 whereas, the same is correctly mentioned in the CNIC of mother of the plaintiff. Thus, there is unnatural gap between the age of plaintiff with her mother, which is wrong and ineffective upon her rights and is liable to be corrected. That the defendants were asked time

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and again for correction of date of birth of plaintiff but they refused to do so, hence the present suit;

2. Defendants were summoned, they appeared before the court through their representatives and contested the suit by filing their written statement, wherein various legal and factual objections were raised.
3. Divergent pleadings of the parties were reduced into the following issues;

**Issues:**

1. *Whether plaintiff has got cause of action?*
2. *Whether the plaintiff is estopped to sue?*
3. *Whether the suit of plaintiff is bad in its present form?*
4. *Whether the correct date of birth of plaintiff is 01.01.1982 and defendants have wrongly entered the same as 19.07.1970?*
5. *Whether the plaintiff is entitled to the decree as prayed for.*
6. *Relief.*

4. Parties were given ample opportunity to produce evidence which they did accordingly.
5. Issue wise findings of this court are as under: -

**Issue No.02:**

*Whether the plaintiff is estopped to sue?*

6. The defendants in their written statement raised the objection that the plaintiff is estopped to sue but later on failed to prove the same. Moreover, there is nothing on record which suggests

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that the plaintiff is estopped to sue. Hence, the issue is decided in negative.

Issue No. 03:

*Whether the suit of plaintiff is bad in its present form?*

7. This objection was raised in preliminary objection in written statement however, the issue was neither discussed nor stressed upon, even otherwise, there is nothing on available record which suggest that suit is bad in its present form. Hence, the issue is decided in negative.

Issue 04:

*Whether the correct date of birth of plaintiff is 01.01.1982 and defendants have wrongly entered the same as 19.07.1970?*

8. The plaintiff alleged in her plaint that her correct date of birth is **01.01.1982** while the defendants have wrongly entered the same in their record as 19.07.1970 which is wrong, ineffective upon the rights of the plaintiff and liable to correction.
9. The plaintiff produced two witnesses and she herself appeared as a witness in her favour who recorded the statements and testified that the correct date of birth of the plaintiff is **01.01.1982**.
10. Plaintiff herself recorded her statement as PW-1 and stated that her correct date of birth is **01.01.1982** while defendants have wrongly incorporated the same as 19.07.1970. She further stated that the date of birth of her mother is 01.01.1965. Thus, there is unnatural gap between her age and age of her mother.

She lastly, prayed for decree in her favour. Copy of CNICs of plaintiff and her mother are Ex.PW-1/1 and Ex.PW-1/2. She admitted that her husband and her father are alive. She further admitted that her CNIC is made in the name of her father. Self-stated that due to unnatural gap between her age in the age of her mother, her CNIC is not processed in the name of her husband.

11. PW-02 Muhammad Nama said in her statement that plaintiff is her first-born real daughter. She stated that the correct date of birth of the plaintiff is 01.01.1982 and defendants have wrongly incorporated the same as 19.07.1970. Thus, there is unnatural gap between her age and age of plaintiff and identity card of the plaintiff is not being renewed. She lastly prayed for decree in favour of the plaintiff. Nothing incriminating was recorded in his cross examination.

12. PW-03 namely Muhammad Zahid (Attorney of plaintiff) recorded his statement that plaintiff is his real sister. He stated that the correct date of birth of the plaintiff is **01.01.1982** but in the record of Nadra the same is mentioned as 19.07.1970. He further stated the date of birth of mother of the plaintiff is 1965. Thus, there is unnatural gap of 05 years in age of plaintiff with her mother and identity card of the plaintiff is not being renewed. Copy of his CNIC and special power of attorney are Ex.PW-3/1 and Ex.PW-3/2. He admitted in his cross examination that the identity card of the plaintiff was not

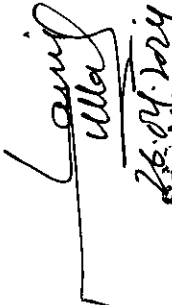
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made in the name of her husband. Further stated that the plaintiff is first-born child of her parents and Ashab Gul is second in number amongst the siblings after the plaintiff and his date of birth is 10.02.1983. During cross examination, copy of CNIC of his brother namely Ashab Gul is exhibited as Ex.XX/1.

13. In order to counter the claim of the plaintiff, the defendants produced only one witness, Mr. Irfan Hussain, the representative of the defendants appeared as DW-01. He produced Authority Letter which is Ex. DW-1/1. He stated that according to Nadra SOPs, age difference of 17-18 years is necessary between mother and elder child. He further stated that due to age difference less than 17/18 years, ID cards would not be processed for both members. He further stated that according to Nadra SOPs the change in the date of birth is possible through Union Council Birth Certificate. He admitted the stance of plaintiff in his cross examination.

14. Arguments heard and record perused.

15. After hearing of arguments and perusal of record I am of the opinion that the stance of the plaintiff is supported by the documents and evidence which they produced. According to statement of PW-01 and PW-02, they testified that due to unnatural gap between the age of plaintiff with mother of plaintiff due to which identity card of the plaintiff is cannot be renewed. After keeping in consideration, the aforementioned

  
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points and available evidence, this court is of the view that the record of defendants relating to date of birth of the plaintiff is liable to correction.

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

**Issue No. 01 & 06:**

*Whether plaintiff has got cause of action?*


*Whether the plaintiff is entitled to the decree as prayed for.*

17. Both these issues are interlinked, hence, taken together for discussion. As sequel to my findings on issue No.05 plaintiff has got cause of action and therefore entitled to the decree as prayed for. Both these issues are decided in positive.

**RELIEF:**

18. As sequel to my above issue wise findings, the suit of the plaintiff is hereby decreed as prayed for, defendants are directed to correct date of birth of plaintiff as **01.01.1982** instead of 19.07.1970 in their record.
19. Parties are left to bear their own cost.
20. Decree sheet be drawn up accordingly.
21. File be consigned to the Record Room after its necessary completion and compilation.

**Announced**  
**26.04.2024**

  
**Sami Ullah**  
Civil Judge-I,  
Orakzai at Baber Mela.

CERTIFICATE

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

  
**Sami Ullah**  
Civil Judge-I,  
Orakzai at Baber Mela.