

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

Civil Suit No. 20/1 of 2024
Date of Original Institution: 14.05.2024
Date of Decision: 05.06.2024

Mst. Noor Inab w/o Syed Sultan Hussain,
resident of Qom Bar Muhammad Khel, Tappa Baba
Nawasi, 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

05.06.2024

1. Brief facts of the case in hand are that attorney for plaintiff 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 **01.01.1970** and correct father and mother names of plaintiff are **Syed Hussain** and **Bibi Syeda Jan**, while defendants have incorrectly entered the date of birth of plaintiff as

01.01.1942 and father and mother names of plaintiff as Syed Hussain Jan and mother name as saido in their record, which are wrong, ineffective upon the rights of the plaintiff and 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.

Divergent pleadings of the parties were reduced into the following issues;

Issues:

1. Whether the plaintiffs have got a cause of action? OPP
2. Whether the correct date of birth of plaintiff is **01.01.1970** and correct father and mother names are **Syed Hussain** and **Bibi Syeda Jan**? 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 **01.01.1970** and correct father and mother names are **Syed Hussain** and

Handwritten signature and stamp of Syed ARAAS BUKHARI, Civil Judge (JM-II), Telisil Courts Kalaya. The stamp includes the text '05-06-2024' and 'SYED ARAAS BUKHARI Civil Judge (JM-II) Telisil Courts Kalaya'.

Bibi Syeda Jan, while defendants have incorrectly entered the date of birth of plaintiff as 01.01.1942 and father & mother names as Syed Hussain Jan and Saido in their record respectively, which are wrong, ineffective upon the rights of the plaintiff and liable to be corrected.

The plaintiff produced witnesses in whom Syed Muhammad Kunain s/o Syed Hussain, attorney/brother of the plaintiff appeared and deposed as PW-01. He produced his special power of attorney which is Ex. PW-1/1. He stated that correct date of birth of plaintiff is **01.01.1970** and correct father & mother names are **Syed Hussain** and **Bibi Syeda Jan** respectively while defendants have incorrectly entered the date of birth of plaintiff as 01.01.1942 and father & mother names are Syed Hussain Jan and Saido in their record, which are incorrect. He further stated that due to this wrong entry of date of birth of plaintiff the plaintiff is 08 year elder than her mother, which is impossible. He further stated that father and mother names are correctly mentioned in his CNIC. He produced the copies of CNICs of plaintiff and mother of plaintiff which are Ex. PW-1/3 & Ex.

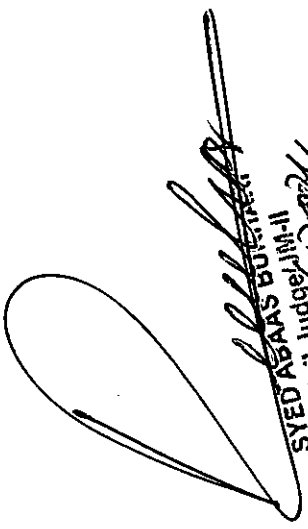

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Civil Judge
Tehsil Courts Kalaya

PW-1/4 respectively. He lastly requested for decree of the suit. During cross examination nothing tangible has been extracted out of him.

Syed Riaz Hussain s/o Syed Sabir Hussain, appeared and deposed as PW-02. He produced copy of his CNIC which is Ex. PW-2/1. He further supported the stance of plaintiff as narrated in the plaint. During cross examination nothing contradictory has been extracted out of him.

Syed Mubasher Hussain s/o Syed Habib Hussain, appeared and deposed as PW-03. He produced copy of his CNIC which is Ex. PW-3/1. He supported the stance of plaintiff as narrated in the plaint. During cross examination nothing tangible has been extracted out of him. Thereafter, plaintiffs 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 namely Syed Irfan Hussain, who appeared as DW-01. He produced the family trees of plaintiff which are Ex. DW-1/1 & Ex. DW-1/2, according to which the father name of plaintiff is mentioned as Syed Hussain Jan and mother name as Saido. Similarly, the date of birth


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Tahsil Cuddalore

of plaintiff is mentioned as 01.01.1942. During cross examination he stated that according to Ex. PW-1/4 (copy of CNIC of plaintiff) plaintiff is eight year elder than her mother. It is correct that the CNIC of plaintiff could not be renew due to unnatural gap between plaintiff and her mother. Thereafter, 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, 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 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

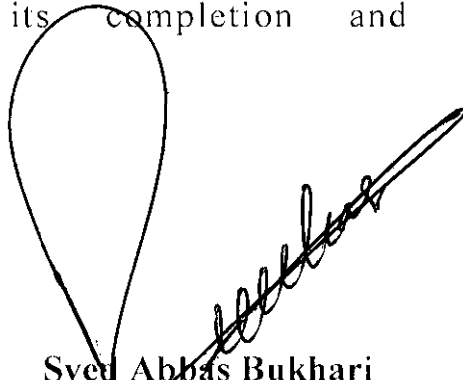


SYED MASOOD BUKHARI
Civil Judge/JM-II
Tehsil Courts Kalaya

for and defendants are hereby directed to correct date of birth of plaintiff as 01.01.1970 and father & mother names of plaintiff as **Syed Hussain** and **Bibi Syeda Jan** respectively in their official record. No order as to costs.

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

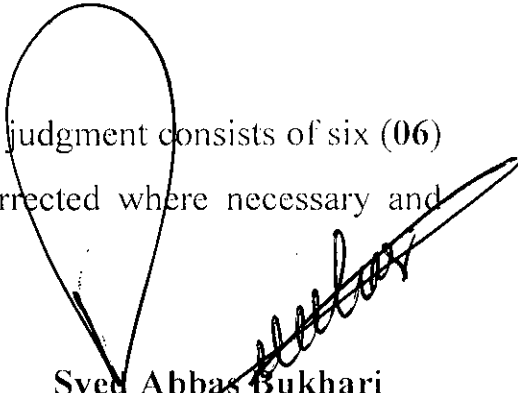
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Civil Judge-II,
Tehsil Court, Kalaya, Orakzai

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