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

Civil Suit No. 26/1 of 2024
Date of Institution: 15.05.2024
Date of Decision: 03.06.2024

1. **Haji Rehman s/o Marwat Shah**
 2. **Gulshan Bibi w/o Haji Rehman**
Both R/O Qoum Rabia Khel, Tappa Ayaz Khel, Khee Kada,
Tehsil Ismail Zai, District Orakzai.
- (Plaintiffs)

VERSUS

1. Chairman NADRA, Islamabad
 2. Director General NADRA, KPK
 3. Assistant Director NADRA, Orakzai
- (Defendants)

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

JUDGEMENT:

03.06.2024

1. Plaintiffs Haji Rehman and Gulshan Bibi have brought the instant suit against defendants Chairman NADRA Islamabad and 02 others for declaration-cum-perpetual and mandatory injunction to the effect that the correct date of birth of the plaintiff No. 01 and plaintiff No. 02 is 1970, but the same have been wrongly mentioned as 1980 and 01.01.1982 respectively in the record of plaintiff No. 01 and plaintiff No. 02 with the defendants. That the date of birth of their sons namely Noor Islam, Muhammad Siddique, Abid Ullah and Zahid Ullah are

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01.01.1988, 01.01.1991, 01.01.1994 and 01.08.1995 respectively, which amounts to unnatural gap of births of the plaintiffs with all their children, which is wrong, illegal, ineffective upon the rights of the plaintiffs and needs rectification. They alleged that the defendants were asked time and again for correction of dates of birth of the plaintiffs, but they refused to do so, hence, the present suit;

2. Defendants were summoned who appeared before the court through their representative and submitted written statement.

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

Issues:

1. *Whether the plaintiffs have got cause of action?*
2. *Whether the correct date of birth of the plaintiffs is 01.01.1970 while the same have been wrongly entered as 1980 in the record of plaintiff No. 01 and 01.01.1982 in the record of plaintiff No. 02 by the defendants?*
3. *Whether plaintiffs are entitled to the decree as prayed for?*
4. *Relief?*

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

PW-01 is the statement of the plaintiff No. 01 namely Haji

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Rehman. He narrated the same story as in the plaint and produced his own CNIC, the copy of which is Ex.PW-1/1, the CNICs of his sons namely Noor Islam, Muhammad Siddique, Abid Ullah and Zahid Ullah, the copies of which are Ex.PW-1/3 to Ex.PW-1/6 respectively, copy of passport of his son namely Noor Islam is Ex.PW-1/2. He was cross-examined by the representative of the defendants.

PW-02 is the statement of plaintiff No. 02 namely Mst. Gulshan Bibi. She also narrated the same story as in the plaint and produced her CNIC, the copy of which is Ex.PW-2/1. She was cross-examined by the representative of the defendants.

PW-03 is the statement of Muhammad Sail, brother of plaintiff No. 02. He supported the stance of the plaintiffs and exhibited his CNIC as Ex.PW-3/1. She was also cross-examined by the representative of the defendants.

On the other hand; representative for NADRA, Irfan Hussain recorded his statement as DW-01, wherein he produced the family trees of the plaintiffs which are Ex.DW-1/1 and Ex.DW-1/2 respectively and according to the same, the dates of birth of the plaintiffs are 1980 and 01.01.1982. That date of birth of the elder son of the plaintiffs namely Noor Islam is 1988 and further stated that Noor Islam is also having English CNIC (NICOP). He was cross-examined by the counsel for the plaintiffs wherein he admitted that the plaintiffs have unnatural gap of

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births with their sons mentioned in their statements. He stated that he has got no objection if suit of the plaintiff is decreed by the court in favour of the plaintiffs.

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 plaintiffs have alleged that the correct date of birth of the plaintiffs is 01.01.1970 while the same have been wrongly mentioned as 1980 in the record of plaintiff No. 01 and 01.01.1982 in the record of plaintiff No. 02 by the defendants. That the date of birth of their sons namely Noor Islam is 01.01.1988, date of birth of Muhammad Siddique is 01.01.1991, date of birth of Abid Ullah is 01.01.1994 and date of birth of Zahid Ullah is 01.08.1995, which amounts to unnatural gap of births with their parents. PW-01 (plaintiff No.01) and PW-02 (plaintiff No. 02) have affirmed that correct date of birth of the plaintiff No. 01 and plaintiff No. 02 is 01.01.1970 while the same have been wrongly mentioned as 1980 in the record of plaintiff No. 01 and 01.01.1982 in the record of plaintiff No. 02 by the defendants. The record shows that there is unnatural gap of births between the plaintiffs and their sons. PW-03 has also

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57 supported the stance of the plaintiffs. According to NADRA SOPs, the unnatural gap between the parents and children can be rectified. That such unnatural gap will ultimately suffer the day-to-day life and academic carrier of the plaintiffs as well as their children. DW-01, Irfan Hussain, representative for NARA during his statement has categorically mentioned that defendants have got no objection on the required correction, therefore, Issue No. 02 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 plaintiffs have proved through cogent evidence that correct date of birth of the plaintiffs is 01.0.1970. Issue No. 01 & 03 are decided in positive.

RELIEF:

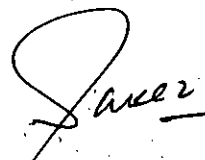
As sequel to my above issue wise findings, the plaintiffs proved their case through cogent evidence, therefore suit of the plaintiffs is hereby decreed as prayed for with no order as to cost.

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

Announced
03.06.2024


(Bakht Zada) 3.6.24
Senior Civil Judge,
Orakzai (at Baber Mela)

CERTIFICATE

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


(Bakht Zada) 3.6.24
Senior Civil Judge,
Orakzai at (Baber Mela)