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

Civil Suit No.	14/1 of 2024
Date of Institution:	08.03.2024
Date of Decision:	17.05.2024

Mst. Khokali Marjana W/O Shams-Ur-Rehman, R/O Qoum Ali Khel, Tappa Shawas Khel, Gota Khel, Tehsil Upper, District Orakzai

(Plaintiff)

VERSUS

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

(Defendants)

SUIT FOR DECLARATION-CUM-PERPETUAL AND MANDATORY INJUNCTION

JUDGEMENT:
17.05.2024

1. Plaintiff Mst. Khokali Marjan has brought the instant suit against defendants Chairman NADRA, Islamabad and 02 others for declaration-cum-perpetual and mandatory injunction to the effect that her correct date of birth is 01.01.1967 but the same has been wrongly entered in her record with the defendants as 01.01.1978 which amounts to unnatural gap of birth between the plaintiff and her sons, because elder son of the plaintiff namely Muhammad Shakeel was born in 1986, Muhammad Farid born on 24.02.1990 and her daughter Mst. Hajra Bibi born on 02.01.1993 and there is unnatural gape of birth

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between the plaintiff and her children of 08, 12 and 15 years respectively which resulted into hardships for the plaintiff and her children. She alleged that the defendants were asked time and again for correction of date of birth of the plaintiff, but they refused to do so, hence, the present suit;

2. Defendants were summoned, who appeared before the court through their representative who submitted their written statement wherein, they admitted that there is an unnatural gape of birth between the plaintiff (mother) and her children.

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

Issues:

1. *Whether the plaintiff has got cause of action?*
2. *Whether the correct date of birth of the plaintiff is 01.01.1967 and the same has been wrongly entered as 01.01.1978 in her record with the defendants?*
3. *Whether plaintiff is entitled to the decree as prayed for?*
4. *Relief?*

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

PW-01 is the statement of Muhammad Sajid s/o Shams-Ur-Rehman. He is special attorney for the plaintiff and his CNIC is Ex.PW-1/1. He stated that plaintiff is his mother and her correct date of birth is

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01.01.1967 instead of 01.01.1978. He further stated that the wrong date of birth mentioned in her record with the defendants rendered the gape of birth between the mother and children as unnatural and there is gape of 08, 12 & 15 years between the births of the plaintiff (mother) and her children namely Muhammad Shakeel, Muhammad Farid and Mst. Hajra Bibi respectively. He also stated that due to the said unnatural gape, the renewal of CNIC of Muhammad Shakeel has become impossible. CNIC of the plaintiff is Ex.PW-1/3 and CNIC of Muhammad Shakeel is Ex.PW-1/4.

PW-02 is the statement of Ashoor Khan s/o Gul Rehman. He is elder brother of the plaintiff. He stated that plaintiff is 20 years younger than him and her correct date of birth is 01.01.1967. He also requested for correction of her date of birth on the ground of unnatural gape with her children.

PW-03 is the statement of Shams-Ur-Rehman. He is husband of the plaintiff. He also affirmed that correct date of birth of the plaintiff is 01.01.1967 instead of 01.01.1978 and there is unnatural gape of 08, 12 & 15 years of the plaintiff with her children Muhammad Shakeel, Muhammad Farid and Mst. Hajra Bibi respectively.

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On the other hand, representative for NADRA, Irfan Hussain recorded his statement as DW-01, wherein he stated that according to SOP of NADRA, the difference between mother and elder son must be

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17/18 years. He was cross-examined by the counsel for the plaintiff. He admitted that he has got no objection if the instant suit is decreed in favour of the plaintiff during his cross-examination.

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 plaintiff alleged that her correct date of birth is 01.011967, but the same has wrongly been entered in her record with the defendants as 01.01.1978. She further alleged that correct date of birth of her son Muhammad Shakeel is 1986, Muhammad Farid is 24.2.1990 and Mst. Hajra Bibi is 02.01.1993 and mentioning of her wrong date of birth as 01.01.1978 in her record by the defendants has rendered the gap of births between the mother and children is unnatural which needs rectification. The brother of the plaintiff namely Ashoor Khan who is 20 years older than the plaintiff has also affirmed that correct date of birth of the plaintiff is 01.01.1967 instead of 01.01.1978. He is natural witness of the date of birth of the plaintiff being her elder brother. Furthermore, according to the statement of DW-01, the entry of wrong date of birth of the plaintiff in her record with the defendants has rendered it

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impossible for her children to apply for renewal of their CNICs due to unnatural gap. He also shows his no objection on correction of date of birth of the plaintiff and issuance of decree as prayed for in her favour. Issue 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 plaintiff has proved through cogent evidence that her correct date of birth is 01.01.1967 instead of 01.01.1978. Issue No. 01 & 03 are decided in positive.

RELIEF:

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

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

Announced
17.05.2025

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CERTIFICATE

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

17.5.24

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