

26

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

Civil Suit No. 17/1 of 2024
Date of Institution: 01.04.2024
Date of Decision: 25.04.2024

**Mst. Syed Marjana W/O Sher Badshah, R/O Qoum Ali Khel,
Tappa Mirwas Khel, Tehsil Upper, District Orakzai.**

(Plaintiff)

VERSUS

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

(Defendants)

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

JUDGEMENT:

25.04.2024

1. Plaintiff Mst. Syed Marjana w/o Sher Badshah 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 01.01.1952, but the same has wrongly been entered in her record with the defendants as 01.01.1960. She further alleged that correct date of birth of her daughter namely Mst. Bibi Sanam is 26.06.1970 and thus there is unnatural gap between the date of birth of the plaintiff mentioned in her record with the defendants and date of birth of her daughter. She prayed that correction may be made in her record with the defendants

BAKHT ZADA
Senior Civil Judge, JJA
Orakzai at Baber Mela
25-4-24

(27)

and her correct date of birth i.e 01.01.1952 may be entered correctly as 1.01.1960. 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 and contested the suit by filing their written statement.

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 01.01.1952 and the same has been wrongly entered as 01.01.1960 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 Plaintiff Syed Marjana. She repeated the contents of the plaint and requested for decree as prayed for. She exhibited her CNIC as Ex.PW-1/1.

PW-02 is the statement of Izat Khan s/o Sher Badshah, younger brother of the plaintiff who affirmed the stance of the plaintiff during his

BAKHT ZADA
Senior Civil Judge
Orakzai Baher Mela
5/1/24

(28)

statement.

PW-03 is the statement Yar Akbar s/o Noor Akbar, elder brother of the plaintiff who also affirmed the stance of the plaintiff during his statement. He exhibited the CNIC of Mst. Bibi Sanam, the copy of which is Ex.PW-3/1 and his own CNIC, the copy of which is Ex.PW-3/2. All the PWs were cross-examined by the counsel for the defendants.

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 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 01.01.1952, but the same has wrongly been entered in her record with the defendants as 01.01.1960. She further alleged that correct date of birth of her daughter namely Mst. Bibi Sanam is 26.06.1970 and thus there is unnatural gap of years between the date of birth of the plaintiff mentioned in her

SAKHT ZADA
Senior Civil Judge/JM
Orakzai at Bar
25/4/24

29

record with the defendants and date of birth of her daughter. During evidence, PW-01 exhibited her CNIC, the copy of which is Ex.PW-1/1 and PW-03 exhibited the CNIC of Mst. Bibi Sanam, the copy of which is Ex.PW-3/1, wherein the date of birth of the plaintiff is mentioned as 01.01.1960 and date of birth of her daughter namely Mst. Bibi Sanam is mentioned as 26.06.1970 which amounts to unnatural gape between the date of births of mother and her daughter. Furthermore, defendants in their evidence as DW-01, has admitted the factum of unnatural gape of birth between the plaintiff and her daughter and also stated that due to such unnatural gape of births, the renewal process of CNIC is not possible. The statements of PWs are fully supporting the version of the plaintiff. The alleged correction will increase the age of the plaintiff by about more than 08 years in her record with the defendants, which will not adversely affect the rights of any third person, if such correction is made. In order to issue registration form in favour of the family of the plaintiff and to remove hurdles in their future documentation, such correction is necessary and if the same is not made, the plaintiff and her family will be the ultimate sufferers. Issue is decided in positive.

BAKHT ZADA
Senior Civil Judge/JM
Orakzai at Baber Meta
9/1/14

30

Issue No. 01 & 03:

Both these issues are interlinked, hence, taken together for discussion.

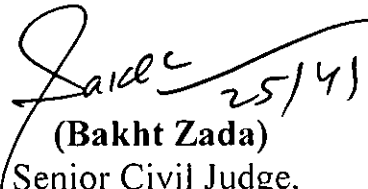
As sequel to my findings on issue No. 02, the plaintiff has proved through cogent evidence that her correct date of birth is 01.01.1952 instead of 01.01.1960. Issue No. 01 & 03 are decided in positive.

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.

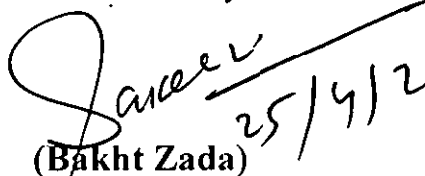
File be consigned to the Record Room after its completion and compilation.

Announced
25.04.2025


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

CERTIFICATE

Certified that this judgment of mine consists of five (05) pages, each has been checked, corrected where necessary and signed by me.


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