

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

Civil Suit No.	42/01 of 2024.
Date of Original Institution:	20.03.2024.
Date of Transfer In:	21.05.2024.
Date of Decision:	07.06.2024.

*Razmina W/O Faida Khan, R/O Qoum Biland Khel, Tappa Palmat Khel,
Tehsil Upper, District Orakzai.*

(Plaintiff)

VERSUS

1. *Chairman NADRA, Islamabad.*
2. *Director General NADRA, KPK, Peshawar.*
3. *Assistant Director NADRA, Orakzai.*

(Defendants)

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

JUDGEMENT:

07.06.2024

1. Plaintiff Razmina W/O Faida Khan 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 05.05.1968, but the same has been wrongly entered in her record with the defendants as 05.05.1976. That due to said wrong entry, there is unnatural age gap of about 10 year between the birth of the plaintiff and her son namely Saeed Ullah, whose date of birth is 1986. That there is also unnatural age gap of about 14 years between the plaintiff and her another son namely Nawaz Sharif, whose date of birth is 01.01.1990. 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;

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2. Defendants were summoned, who appeared before the court through their representative and contested the suit by filing their authority letter and 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 05.05.1968 and the defendants have wrongly entered the same as 05.05.1976 in their record and due this entry there is unnatural age difference of about 10 and 14 years respectively between plaintiff and her sons namely Saeed Ullah and Nawaz Sharif?*
3. *Whether plaintiff is entitled to the decree as prayed for?*
4. *Relief?*

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

6. PW-01, special attorney and son of plaintiff repeated the contents of the plaint and produced his special power of attorney as Ex. PW-1/1. Copy of CNIC of his mother is Ex. PW-1/2 and copy of his CNIC is Ex. PW-1/3. He requested for decree of suit as prayed for.

PW-02, is the statement of the Faida Khan. He is husband of the plaintiff. He also affirmed that the correct date of birth of the plaintiff is 05.05.1968. Copy of his CNIC is Ex. PW-2/1. He also requested for decree of suit as prayed for.

8. PW-03, is the statement of the Aman. Ullah. He is son of the

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plaintiff. He supported the stance of the plaintiff. He also requested for decree of suit as prayed for.

9. All the statements of PWs were cross examined by representative of defendants.

10. On the other hand, representative for NADRA, Irfan Hussain recorded his statement as DW-01. He produced family trees of the plaintiff which are Ex. DW-1/1 and Ex. DW-1/2 respectively as per which the date of birth of the plaintiff is recorded as 05.05.1976. He requested for dismissal of the suit.

11. 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:

12. The plaintiff alleged that her correct date of birth is 05.05.1968, but the same has been wrongly entered in his record with the defendants as 05.05.1976. That due to said wrong entry, there is unnatural age gap of about 10 year between the birth of the plaintiff and her son namely Saeed Ullah, whose date of birth is 1986. That there is also unnatural age gap of about 14 years between the plaintiff and her other son namely Nawaz Sharif, whose date of birth is 01.01.1990. During the course of evidence, statement of Nawaz Sharif was recorded as PW-01, who stated that the correct date of birth of plaintiff is 05.05.1968 and it has been wrongly mentioned in the record with the defendants as 05.05.1976.

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13. The evidence produced by the plaintiff supported the stance of the plaintiff relating to unnatural age difference of about 10 and 14 years between the plaintiff and her children namely Saeed Ullah and Nawaz Sharif. The plaintiff is increasing her age/date of birth from 05.05.1976 to 05.05.1968 which will not suffer the right of any third person and the said correction is only sought in order to remove unnatural gap between the plaintiff and her children. The defendants have not brought any authentic documentary or oral evidence in order to rebut the stance of the plaintiff, except their own record which is impugned before this court through the instant suit therefore, the same cannot be taken into consideration. Continuing with the wrong entry in her record with the defendants will result in to hardships and miseries to the plaintiff and her children in their future life. Issue is decided in positive.

Issue No. 01 & 03:

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

14. As sequel to my findings on issue No. 02, the plaintiff has proved through cogent evidence that her correct date of birth is 05.05.1968 instead of 05.05.1976. Issues No. 01 & 03 are decided in positive.

15. 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.

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RELIEF:

16. Case file be consigned to the Record Room after its completion and compilation.

Announced
07.06.2024

Javeri
7.6.24
(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.

Javeri
7.6.24
(Bakht Zada)
Senior Civil Judge,
Orakzai at Baber Mela