

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

28

Civil Suit No: 22/1 OF 2024  
Date of Institution: 03.05.2024  
Date of Decision: 31.05.2024

*Ishfaq Khan S/O Mehrab Khan, R/O Qoum Ali Khel, Tappa  
Panjam Khel, Tehsil Upper, District Orakzai*  
**(Plaintiff)**

**VERSUS**

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

**(Defendants)**

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

**JUDGEMENT:**

31.05.2024

1. Plaintiff Ishfaq Khan S/O Mehrab 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 his correct date of birth according to his admission withdrawal register & school leaving certificate is 23.04.2008, but the same has been wrongly entered in his record with the defendants as 23.04.2005 which is wrong and liable to correction. He 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 authority letter and written statement.

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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 as per school record is 23.04.2008 and the defendants have wrongly entered the same as 23.04.2005 in their record?*
  3. *Whether plaintiff is entitled to the decree as prayed for?*
  4. *Relief?*
3. Parties were given opportunity to produce evidence in support of their respective claims. The plaintiff produced and recorded the statements of following PWs;
4. **PW-01:** Plaintiff himself namely Ishfaq Khan S/O Mehrab Khan appeared as PW-01 and repeated the contents of his plaint. Copy of his CNIC is Ex. PW-1/1 while copies of admission withdrawal register and school leaving certificate are Ex. PW-1/2 & Ex. PW-1/3 respectively.
5. **PW-02,** is the statement of the Sabida Jan W/O Mehrab Khan. She is mother of plaintiff. She supported the stance of plaintiff. Her copy of CNIC is Ex. PW-2/1 and copy of her husband's CNIC is Ex. PW-2/2.
6. **PW-03,** is the statement of Abdul Jalil S/O Sultan Muhammad also supported the stance of plaintiff. His copy of CNIC is Ex. PW-3/1.
7. On the other hand, representative for NADRA, Irfan Hussain recorded his statement as DW-01, wherein he has alleged that the date of birth of the plaintiff according to their record is 23.04.2005. He produced family trees Ex. DW-1/1 & Ex. DW-1/2 respectively. He requested for dismissal of the suit.

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8. 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:**

9. The plaintiff alleged that his correct date of birth according to his admission withdrawal register and school leaving certificate is 23.04.2008, but the same has been wrongly entered in his record with the defendants as 23.04.2005. During the course of evidence, statement of Sabida Jana (mother) and Abdul Jalil (record keeper), recorded as PW-01 and PW-02, who supported the stance of plaintiff and stated that <sup>per</sup> as/school record of the plaintiff i.e., admission withdrawal register & school leaving certificate, the correct date of birth of plaintiff is 23.04.2008. Plaintiff Ishfaq Khan appeared as PW-01 and stated that his correct date of birth is 23.04.2008 according to his admission withdrawal register & school leaving certificate Ex.PW-1/2 & Ex. PW-1/3 respectively. He prayed for decree for correct of date of birth as prayed for in the plaint.

10. The evidence produced by the plaintiff particularly the statement of PW-02, who is mother of the plaintiff is of much importance and no doubt he can be safely considered the natural witness of his birth, coupled with the fact that the same date of birth is also mentioned in his admission withdrawal register & school leaving certificate Ex.PW-1/2 & Ex. PW-1/3 respectively. The date of birth mentioned in the Ex. PW-1/2 & Ex. PW-1/3 authentic documents and cannot be rebutted through ordinary oral or documentary evidence. The defendants have not

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produced any authentic documentary evidence except their own record which is impugned before this court through the instant suit therefore, the same cannot be considered authentic. Furthermore, the same has got no preference over the school record. The plaintiff will suffer in his practical life if correction in his NADRA record is not made in accordance with his authentic date of birth mentioned in his school record. The plaintiff is neither government employee nor such correction will damage the right of any third person. Issue is decided in positive.

**Issue No. 01 & 03:**

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

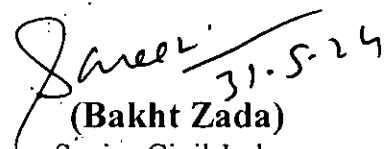
11. As sequel to my findings on issue No. 02, the plaintiff has proved through cogent evidence that his correct date of birth is 23.04.2008 instead of 23.04.2005. Issue No. 01 & 03 are decided in positive.

**RELIEF:**

12. The plaintiff proved his case through cogent evidence, therefore suit of the plaintiff is hereby decreed as prayed for with no order as to cost.

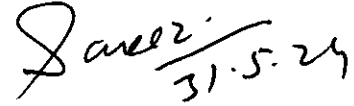
13. Case file be consigned to the Record Room after its completion and compilation.

**Announced**  
31.05.2024

  
(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