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

Civil Suit No. 23/1 of 2024
Date of Institution: 03.05.2024
Date of Decision: 29.05.2024

1. **Mst. Bibi Gul Jana w/o Muhammad Younas.**
 2. **Noor Saeed s/o Muhammad Younas.**
- Both R/O Qoum Mamozai, Tappa Mir Kalam Khe, Tehsil Upper,
District Orakzai.
- (Plaintiffs)*

VERSUS

Assistant Director NADRA, Orakzai through representative.
(Defendants)

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

JUDGEMENT:
29.05.2024

1. Plaintiffs Mst. Bibi Gul Jana and Noor Saeed have brought the instant suit against defendant Assistant Director NADRA for declaration-cum-perpetual and mandatory injunction to the effect that the correct date of birth of the plaintiff No. 01 is 01.01.1974 while the same has been wrongly mentioned as 01.01.1977 in her record with the defendants.

That correct date of birth of the plaintiff No. 02, who is son of plaintiff No. 01, is 01.01.1992, which amounts to unnatural gap of birth i.e 15 years between the plaintiff No. 01 and her son Noor Saeed (plaintiff No.02) which needs rectification. That

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correct name of the father of the plaintiff No.02 is Muhammad Younas while the same has been wrongly mentioned as Muhammad Jadeen in his record with the defendants. Muhammad Jadeen is the grandfather of the plaintiff No. 02. They alleged that the defendant was asked time and again for correction of date of birth of plaintiff No. 01 and father's name of the plaintiff No. 02, but he refused to do so, hence, the present suit;

2. Defendant was summoned, who appeared before the court through its 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 plaintiff No. 01 is 01.01.1974 and correct name of the father of plaintiff No. 02 is Muhammad Younas while the same have been wrongly entered as 01.01.1977 in the record of plaintiff No. 01 and Muhammad Jadeen in the record of plaintiff No. 02 respectively 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

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statements of following PWs;

PW-01 is the statement of Noor Saeed, plaintiff No. 02 and special attorney for the plaintiff No. 01. He narrated the same story as in the plaint. He exhibited special power of attorney as Ex.PW-1/5, copy of CNIC of the plaintiff No. 01 as Ex.PW-1/1, CRC as Ex.PW-1/2, CNIC of Muhammad Younas (father of plaintiff No. 02 and husband of plaintiff No. 01) as Ex.PW-1/3 and copy of his own CNIC as Ex.PW-1/4.

PW-02 is the statement of Mujahideen s/o Muhammad Jadeen, paternal uncle of the plaintiff No. 02. He also supported the stance of the plaintiffs. Copy of his CNIC is Ex.PW-2/1.

PW-03 is the statement of Muhammad Kabir s/o Sharaf Din, maternal uncle of plaintiff No. 02. He also supported the stance of the plaintiff and exhibited his CNIC as Ex.PW-3/1.

On the other hand, representative for NADRA, Irfan Hussain recorded his statement as DW-01, wherein he produced the family tree of the plaintiffs which consists of 04 pages and is Ex.DW-1/1 and according to it, father's name of the plaintiff No. 02 is Muhammad Jadeen and his mother's name is mentioned as Bibi Gul Jana. That correct date of birth of the plaintiff No. 02 is 01.01.1992. Furthermore, plaintiff No. 02 is not mentioned in the family tree of plaintiff No. 01. He was cross-examined by the counsel for the plaintiff wherein he

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admitted that the name of husband of plaintiff No. 01 is Muhammad Younas. He further admitted that the mother's name of the plaintiff is mentioned as Bibi Gul Jana as per record of the plaintiff No. 02 and there is unnatural gap of birth between the plaintiff No. 01 and plaintiff No. 02. He also admitted that according to SOPs of NADRA, unnatural gape of birth needs rectification.

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 correct date of birth of the plaintiff No. 01 is 01.01.1974 while the same has been wrongly mentioned as 01.01.1977 in her record with the defendants. That correct date of birth of the plaintiff No. 02, who is son of the plaintiff No. 01, is 01.01.1992, which amounts to unnatural gap of birth i.e 15 years between the plaintiff No. 01 and her son Noor Saeed (plaintiff No.02) which needs rectification.

That correct name of the father of the plaintiff No.02 is Muhammad Younas while the same has been wrongly mentioned as Muhammad Jadeen in his record with the defendants. Muhammad Jadeen is the grandfather of the plaintiff No. 02. PW-01 who is plaintiff No. 02 himself has

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affirmed that correct date of birth of his mother (plaintiff No. 01) is 01.01.1974 and correct name of the father of plaintiff No. 02 is Muhammad Younas but the same have been wrongly mentioned as 01.01.1977 and Muhammad Jadeen respectively in the record of the plaintiffs with the defendants. He exhibited special power of attorney as Ex.PW-1/5, copy of CNIC of the plaintiff No. 01 as Ex.PW-1/1, CRC as Ex.PW-1/2, CNIC of Muhammad Younas (father of plaintiff No. 02 and husband of plaintiff No. 01) as Ex.PW-1/3 and copy of his own CNIC as Ex.PW-1/4. PW-02 and PW-03 who are natural witnesses of the birth of the plaintiff No. 01 and father's name of plaintiff No. 02, have supported the stance of the plaintiffs during their statements. 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 plaintiffs have proved through cogent evidence that correct date of birth of the plaintiff No. 01 is 01.01.1974 and correct name of the father of plaintiff No. 02 is Muhammad Younas. Issue No. 01 & 03 are decided in positive.

RELIEF:

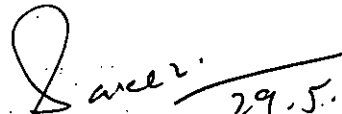
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As sequel to my above issue wise findings, the plaintiffs proved their case through cogent evidence, therefore suit of the plaintiffs is hereby decreed as prayed for with no order as to cost.

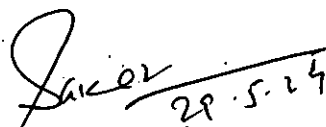
File be consigned to the Record Room after its completion and compilation.

Announced
29.05.2024


(Bakht Zada) 29.5.24
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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) 29.5.24
Senior Civil Judge,
Orakzai at (Baber Mela)