IN THE COURT OF BAKHT ZADA,

SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No.	20/01 of 2024.
Date of Institution:	23.04.2024.
Date of Decision:	07.06.2024.

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1. ***Haji Gul S/O Juma Gul,***
2. ***Sawab Jana W/O Haji Gul,*** *both residents of Qoum Mamozai, Tappa Ado Khel, Burhan Nawasi, Tehsil Upper, District Orakzai.*

(Plaintiffs)

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. Plaintiffs *1.* Haji Gul S/O Juma Gul and *2.* Sawab Jana W/O Haji Gul have brought the instant suit against defendants Chairman NADRA, Islamabad and 02 others for declaration-cum-perpetual and mandatory injunction to the effect that the correct date of birth of plaintiff No. 1 & 2 is 01.01.1967, but the same has been wrongly entered in their record with the defendants as 01.01.1975 and 01.01.1978 respectively. That due to said wrong entry, there is unnatural age gap of about 15 years between the birth of the plaintiff No. 1 and his elder son namely Habib Gul, whose date of birth is 01.01.1990. That there is also unnatural age gap of about 12 years between the birth of the plaintiff No. 2 and her elder son Habib Gul. They alleged that the defendants were asked time

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and again for correction of date of birth of the plaintiffs, 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.

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 both the plaintiff No. 1 & 2 is 01.01.1967 and the defendants have wrongly entered the date of birth of plaintiff No. 1 as 01.01.1975 and plaintiff No. 2 as 01.01.1978 in their record and due this wrong entry there is unnatural age difference of about 15 years between plaintiff No. 1 and his son and 12 years between plaintiff No. 2 and her son?*
3. *Whether plaintiff is entitled to the decree as prayed for?*
4. *Relief?*

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

6. **PW-01,** plaintiff No. 1 himself and as special attorney of plaintiff No. 2 repeated the contents of the plaint and produced his special power of attorney as Ex. PW-1/1. Copies of CNICs of plaintiff No. 1, No. 2 and his son are Ex. PW-1/2 to Ex. PW-1/4. He requested for decree of suit as

prayed for.

7. **PW-02,** is the statement of the Khapir Gul. He is brother of plaintiff No. 1. He also affirmed that the correct date of birth of the plaintiff No. 1 & 2 is 01.01.1967. 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 Umar Khan. He is relative of the plaintiffs. He supported the stance of the plaintiffs and 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 plaintiffs which are Ex. DW-1/1 to Ex. DW-1/4 respectively. He stated that date of birth of son of plaintiffs is recorded as 01.01.1990.

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: -

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Issue No. 02:

12. The plaintiffs alleged that correct date of birth of the plaintiff No. 1 & 2 is 01.01.1967, but the same has been wrongly entered in their record with the defendants as 01.01.1975 and 01.01.1978 respectively. That due to said wrong entry, there is unnatural age gap of about 15 years between the birth of the plaintiff No. 1 and his elder son namely Habib Gul, whose date of birth is 01.01.1990. That there is also

unnatural age gap of about 12 years between the birth of the plaintiff No. 2 and her elder son.

13. The evidence produced by the plaintiffs supported the stance of the plaintiffs relating to their dates of birth which is causing unnatural age difference of about 15 and 12 years between the plaintiff No.1 & No. 2 with their son namely Habib Gul. The plaintiffs are increasing their age/date of birth from 01.01.1975 & 01.01.1978 to 01.01.1967 which will not effect the right of any third person and the said correction is only sought in order to remove unnatural gap between the plaintiffs and their children. The defendants have not brought any authentic documentary or oral evidence in order to rebut the stance of the plaintiffs, 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 their record with the defendants will result in to hardships and miseries to the plaintiffs and their son in their future life. According to NADRA SOPs, in such like cases correction can be sought only on the basis of UC birth certificate Issue is decided in positive.

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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 plaintiffs have proved through cogent evidence that their correct date of birth is 01.01.1967. Issues No. 01 & 03 are decided in positive.

RELIEF:

15. 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.

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

Announced
07.06.2024

(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