

**IN THE COURT OF SYED ABBAS BUKHARI,**  
CIVIL JUDGE-II, TEHSIL COURTS, KALAYA, ORAKZAI

Civil Suit No. 22/1 of 2024  
Date of Original Institution: 20.05.2024  
Date of Decision: 13.06.2024

**Naheeda Bibi d/o Abdul Abbas**, resident of Qom Feroz Khel, Tappa Qasim Khel, Goin, Tehsil Lower, District: Orakzai.

.....(Plaintiff)

**VERSUS**

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


.....(Defendants)

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

**JUDGMENT**

13.06.2024

1. Brief facts of the case in hand are that attorney for plaintiff has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct date of birth of plaintiff according to school record is **15.03.2011**, while defendants have incorrectly entered the date of birth of plaintiff as 14.11.2005, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the

  
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defendants were asked time and again to do the aforesaid correction but they refused, hence, the present suit;

2. Defendants were summoned, they appeared through their representative namely Syed Irfan Hussain and filed their written statement whereby they objected the suit on factual and legal grounds.

Divergent pleadings of the parties were reduced into the following issues;

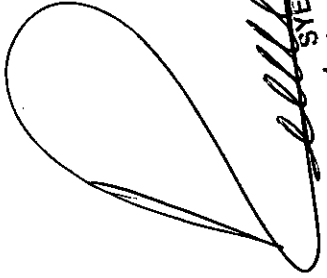
**Issues:**

1. Whether the plaintiff has got a cause of action? OPP
2. Whether the correct date of birth of plaintiff according to school record is **15.03.2011**, while defendants have incorrectly entered the same as 14.11.2005 in their record? OPP
3. Whether the plaintiff is entitled to the decree as prayed for?
4. Relief?


Issue wise findings of this court are as under: -

**Issue No. 02:**

The plaintiff alleged in her plaint that correct date of birth of plaintiff is **15.03.2011**, while defendants have incorrectly entered the date of birth of plaintiff as 14.11.2005 in their record, which is wrong, ineffective upon the rights of the plaintiff and liable to be corrected.

  
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The plaintiff produced witnesses in whom Abdul Abbas Khan s/o Ilyas Khan, attorney for the plaintiff appeared and deposed as PW-01. He stated that he is the father of plaintiff and his daughter has passed eight class from GGMS Goin and now studying in class 9<sup>th</sup>. He further stated that defendants entered the date of birth of plaintiff in form-B as 14.11.2005, which is incorrect. In this respect he produced the Form-B of plaintiff which is Ex. PW-1/1. He further produced the admission & withdrawal register of GGMS Goin, wherein the date of birth of plaintiff is mentioned as 15.03.2011 which is Ex. PW-1/2. He further produced the birth certificate, issued by above mentioned school, which is Ex. PW-1/3. He produced the special power of attorney and copy of his CNIC which are Ex. PW-1/4 & Ex. PW-1/5 respectively. During cross examination he stated that he applied for Form-B of plaintiff. He further stated that he has obtained School birth certificate of plaintiff from GGMS Goin. It is correct that the logo on the Ex. PW-1/3 (school birth certificate) is of GGPS Goin while same contain stamp of GGMS Goin. He further stated that he has eleven children

  
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and plaintiff is youngest of all. It is further correct that admission & withdrawal register is not produced before the court by school staff and the same produced by him. Self-stated that all the staff of said school are female. It is further correct that there is no stamp on Ex. PW-1/2 (admission & withdrawal register). Self-stated that it is the internal matter of school authority.

Arwan Shah s/o Saadat Shah, appeared and deposed as PW-02. He produced copy of his CNIC which is Ex. PW-2/1. He further supported the stance of plaintiff as narrated in the plaint. During cross examination nothing contradictory has been extracted out of him. Thereafter, plaintiff her evidence with a note.

In light of above discussion as plaintiff succeeded to prove her stance by producing documentary, cogent, convincing and reliable evidence and nothing in rebuttal has been brought on record by the opposite party. Furthermore, attorney for plaintiff produced the admission & withdrawal register of GGMS Goin, wherein the date of birth has been correctly mentioned as **15.03.2011** on serial no. 19. It is also pertinent to

  
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mention here that during cross examination of PW-01, defendants had not questioned the genuineness and validity of admission & withdrawal register rather have taken the plea that same has not been produced before this court by school staff and thus they admitted said register to be genuine.

Hence the issue in hand is hereby decided in positive in favor of plaintiff and against defendants.

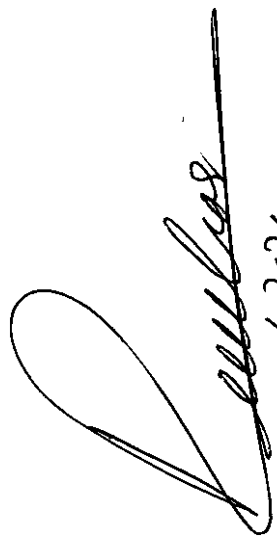
Issue No. 01 & 03:

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

As sequel to my findings on issue no. 02 the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Thus, both these issues are decided in positive.

RELIEF:

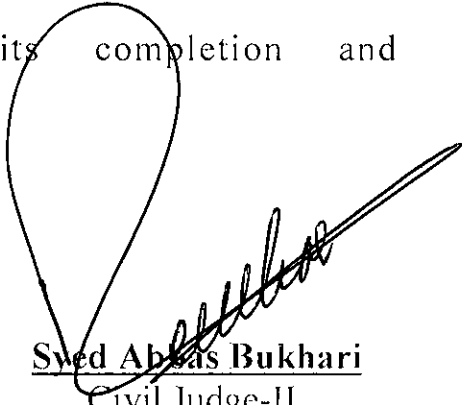
As sequel to my above issue wise findings, the suit of the plaintiff is hereby **decreed** as prayed for and defendants are hereby directed to correct date of birth of plaintiff as **15.03.2011** in their official record. No order as to costs.

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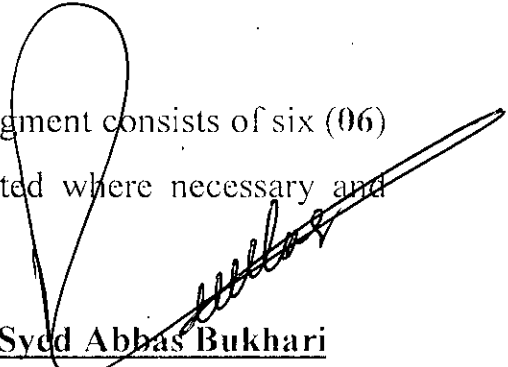
File be consigned to the District Record Room, Orakzai after its completion and compilation.

**Announced**  
**13.06.2024**

  
**Syed Abbas Bukhari**  
Civil Judge-II,  
Tehsil Court, Kalaya, Orakzai

**CERTIFICATE**

Certified that this judgment consists of six (06) pages, each has been checked, corrected where necessary and signed by me.

  
**Syed Abbas Bukhari**  
Civil Judge-II,  
Tehsil Court, Kalaya, Orakzai