

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

Civil Suit No. 15/1 of 2024
Date of Original Institution: 06.04.2024
Date of Decision: 27.06.2024

Tazeem Ali s/o Khial Jan Ali, resident of Qom Terai
Mani Khel, Zerra, PO Tazi Khel, Tehsil Lower, District:
Orakzai.

.....(Plaintiff)

VERSUS

1. Chairman, NADRA, Islamabad.
Director General NADRA, Peshawar.
Assistant Director, NADRA District Orakzai.
4. Chairman Board of Intermediate & Secondary Education
Kohat.
5. Chairman Board of Khyber Pakhtunkhwa, Technical
Education Kohat.

.....(Defendants)

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

JUDGMENT

27.06.2024

1. Brief facts of the case in hand are that 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 Secondary School Certificate is **10.04.2000**, while defendants no. 01 to 03 have incorrectly entered the date of birth of plaintiff as 01.01.1999.

Similarly correct father name of plaintiff is **Khial Jan Ali**, while defendants no. 04 & 05 incorrectly entered as **Khayal Janan**, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were asked time and again to do the aforesaid correction but they refused, hence, the present suit;

2. Defendants were summoned, defendants no. 01 to 03 appeared through their representative namely Syed Irfan Hussain and filed their written statement whereby they objected the suit on factual and legal grounds. Defendants no. 04 & 05 was properly served but they did not bother to appear before the court, hence placed and proceeded ex-parte.
3. 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 secondary school certificate is 10.04.2000 and correct father name of plaintiff is **Khial Jan Ali**? **OPP**
3. Whether the plaintiff is entitled to the decree as prayed for?
4. Relief?

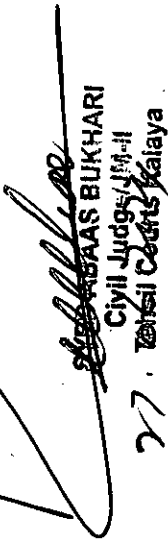
Issue wise findings of this court are as under: -

Issue No. 02:

Whether the correct date of birth of plaintiff according to secondary school certificate is 10.04.2000 and correct father name of plaintiff is Khial Jan Ali? OPP

The plaintiff alleged in his plaint that correct date of birth of plaintiff according to Secondary School Certificate is **10.04.2000**, while defendants no. 01 to 03 have incorrectly entered the date of birth of plaintiff as 01.01.1999 in their record. Similarly correct father name of plaintiff is **Khial Jan Ali**, while defendants no. 04 & 05 incorrectly entered as Khayal Janan, which is wrong, ineffective upon the rights of the plaintiff and liable to correction.

The plaintiff Tazeem Ali s/o Khial Jan Ali himself, appeared and deposed as PW-01. He stated that his correct date of birth is **10.04.2000** while defendants no. 01 to 03 have incorrectly entered as 01.01.1999 in his Form-B, which is Ex. PW-1/1. He stated that he has passed DAE. He further stated that his father has been died and produced the copy of his father NADRA cancellation form is Ex. PW-1/2, the copy of death certificate of his father is Ex. PW-1/3 and the copy of his father CNIC is Ex. PW-1/4. He further stated that his father name has


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incorrectly entered in all his school documents as Khayal Janan. He produced copy of his domicile certificate, copy of his Secondary School Certificate and copy of his Detailed Marks Certificate of DAE 2nd year, which are Ex. PW-1/5 to Ex. PW-1/7 respectively. He lastly produced the copy of his mother CNIC, which is Ex. PW-1/8, which shows that her husband name is correctly entered as Khial Jan Ali. During cross examination he stated that it is correct that his Form-B obtained by his mother. Self-stated that she is illiterate. He further stated in his cross examination that he do not know the documents provided by his mother at the time of obtaining Form-B.

Muhammad Yaseen s/o Noor Jan Ali, 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.

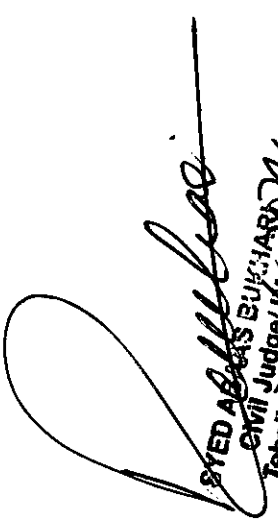
Mutahir Ali s/o Wali Jan, appeared and deposed as PW-03. He produced the copy of his CNIC which is Ex. PW-3/1. He supported the stance of plaintiff as narrated in the plaint. During


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cross examination the witness has been cross examined but nothing contradictory has been extracted out of him. Thereafter, plaintiff closed his evidence with a note.

In order to counter the claim of the plaintiff, contesting defendants produced only one witness, the representative of the defendants namely Syed Irfan Hussain, who appeared as DW-01. He produced the family tree of plaintiff which is Ex. DW-1/1, according to which the date of birth is 01.01.1999 and father name is Khial Jan Ali. The plaintiff younger sister name as Saira Jan. During cross examination he stated that today I have seen the original school documents. It is correct that as per NADRA record the father name of plaintiff is Khial Jan Ali. It is also correct that in the school documents the date of birth of plaintiff is mentioned as 10.04.2000 and father name as Khial Jan Ali. Thereafter, representative for defendants no: 01 to 03 closed his evidence with a note.

In light of above discussion as plaintiff succeeded to prove his stance by producing documentary, cogent, convincing and reliable evidence and nothing in rebuttal has been brought



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on record by the opposite party. Furthermore, plaintiff produced the school record, wherein the date of birth is mentioned as **10.04.2000** and father name as **Khial Jan Ali**. Hence the issue in hand is hereby decided in positive in favor of plaintiff and against defendants.

Issue No. 01 & 03:

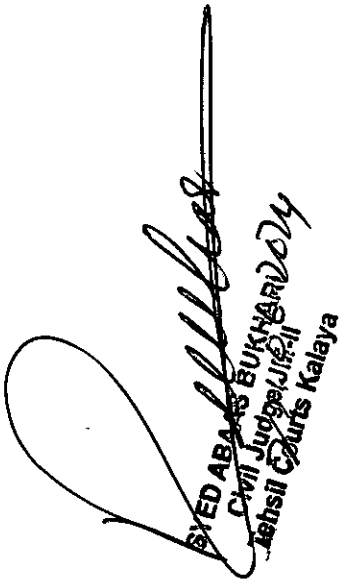
**Whether the plaintiff has got a cause of action? OPP
Whether the plaintiff is entitled to the decree as prayed for?**

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.

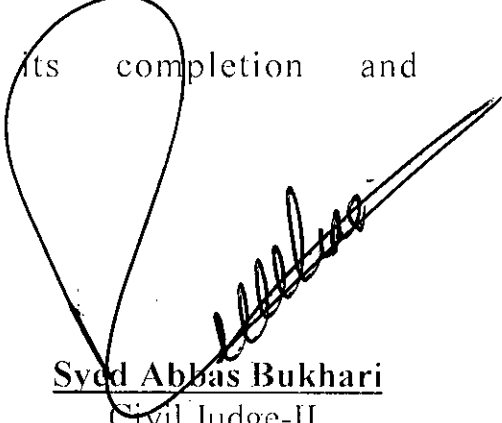
RELIEF:

As sequel to my above issue wise findings, the suit of the plaintiff is hereby **decreed** as prayed for and defendants no. 01 to 03 are hereby directed to correct date of birth of plaintiff as **10.04.2000** in their official record and defendants no. 03 & 04 are hereby directed to correct the father name of plaintiff as **Khial Jan Ali** in their record. No order as to costs.


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Civil Judge (I) II
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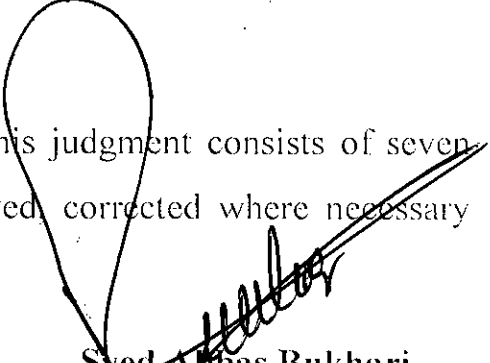
File be consigned to the District Record Room, Orakzai after its completion and compilation.

Announced
27.06.2024


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

CERTIFICATE

Certified that this judgment consists of seven (07) pages, each has been checked, corrected where necessary and signed by me.


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