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

Civil Suit No. 91/1 of 2023  
Date of Original Institution: 27.11.2023  
Date of Decision: 15.05.2024

1. **Rishmat Khan S/O Abdul Akbar,**
2. **Mst. Seemal Bibi W/O Rishmat Khan and**
3. **Aziz Ur Rehman S/O Rishmat Khan,** residents of  
Qom Stori Khel, Tappa Mala Khel, Tehsil Lower,  
District: Orakzai.

.....(Plaintiffs)

**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**

15.05.2024

1. Brief facts of the case in hand are that attorney for the plaintiffs has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct dates of birth of plaintiff no. 01 & 02 are **01.01.1971 & 01.01.1972**, while defendants have incorrectly

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entered the same as 1983 & 01.01.1983 respectively in their record. Similarly correct father name of plaintiff no. 03 is **Rishmat Khan**, while defendants have wrongly entered the same as Khan Khel which are wrong, ineffective upon the right of the plaintiffs and liable to correction. That the defendants were asked time and again to do the aforesaid correction but they refused, hence, the present suit;

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.

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 dates of birth of plaintiffs no. 01 & 02 are **01.01.1971 & 01.01.1972** respectively and correct father name of plaintiff no. 03 is **Rishmat Khan**? OPP
3. Whether the plaintiffs are entitled to the decree as prayed for?
4. Relief?


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Issue wise findings of this court are as under: -

**Issue No. 02:**

The plaintiffs alleged in their plaint that correct dates of birth of plaintiff no.01 & 02 are **01.01.1971 & 01.01.1972** respectively and correct father name of plaintiff no. 03 is **Rishmat Khan** while defendants have incorrectly entered the dates of birth of plaintiffs no. 01 & 02 as 1983 & 01.01.1983 respectively and father name of plaintiff no. 03 as Khan Khel in their record which are wrong, ineffective upon the right of plaintiffs and liable to be corrected.


The plaintiff produced witnesses in whom Wahid Ullah S/O Khan Khel, appeared as PW-01. He stated that plaintiff no. 01 is his maternal uncle and plaintiff no. 02 is his maternal aunt while plaintiff no. 03 is real son of plaintiff no. 01 & 02 and his second cousin. He further stated that plaintiff no. 03, Aziz Ur Rehman is not my brother, while defendants have incorrectly entered father name of plaintiff no. 03 as Khan Khel. He further stated that correct father name of plaintiff no. 03 is Rishmat Khan and mother name as Mst. Seemala Bibi. He further stated that correct dates of birth of

  
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plaintiffs no. 01 & 02 are 01.01.1971 & 01.01.1972 respectively due to which an unnatural gap exist between plaintiffs no. 01 & 02 and their elder daughter namely Mst. Nooraka Bibi and their son namely Aziz Ur Rehman (plaintiff no. 03) of 07 & 10 years. His CNIC is Ex. PW-1/2. During cross examination nothing tangible has been extracted out of him.

Rishmat Khan S/O Abdul Akbar, attorney for plaintiffs, appeared and deposed as PW-02. His special power of attorney is Ex. PW-2/1. He stated that correct dates of birth of plaintiffs no. 01 & 02 are 01.01.1971 & 01.01.1972 respectively, while defendants have incorrectly entered the same as 1983 & 01.01.1983 in their record. He further stated that plaintiff no. 03 is his real son and defendants have incorrectly entered the father name of plaintiff no. 03 as Khan Khel, which is my real cousin. He produced his copy of CNIC, copy of his wife CNIC and copy of his son which are Ex. PW-2/2 to Ex. PW-2/4 respectively. He lastly requested for decree of the suit. During cross examination he stated that he is 33/35 years old. He has two sons and four daughters. His elder daughter name as


  
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Mst. Nooraka Bibi. He further stated that Aziz ur Rehman (plaintiff no. 03) is his real son. The one Khan Khel is his cousin.

Gul Nadir S/O Yar Baz Khan, appeared and deposed as PW-03. He reiterated the stance of plaintiffs as narrated in the plaint. During cross examination nothing tangible has been extracted out of him. Thereafter, plaintiff closed their evidence with a note.

In order to counter the claim of the plaintiff, defendants produced only one witness, the representative of the defendants namely Syed Irfan Hussain, who appeared as DW-01. He produced the family trees of plaintiffs which is Ex. DW-1/1 to Ex. DW-1/3 respectively, according to which correct date of birth of plaintiffs no. 01 & 02 are 1983. He further stated that date of birth of one Mst. Nazia Bibi, the daughter of plaintiff no. 01 & 02 is mentioned as 01.01.1993. He further stated that plaintiff no. 03 is not mentioned in the family tree of plaintiffs no. 01 & 03. He lastly requested for dismissal of the suit. During cross examination he stated that there must be a difference of 17-18 years between parents and their child. It is true that



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CNICs of plaintiff no. 01 & 02 has been blocked due to existence of an unnatural gap with their daughter. Thereafter representative for defendants closed their evidence with a note.

In light of above discussion as plaintiffs succeeded to prove their stance by producing cogent, convincing and reliable evidence and nothing in rebuttal has been brought on record by the opposite party. Furthermore it is also pertinent to mention here that there exist an unnatural gap between ages of plaintiffs and their daughter. The age difference between the age of plaintiffs and their daughter is against the order of nature and impossible, accordingly, the issue in hand is hereby 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 got a cause of action and therefore entitled to the decree as prayed for. Thus, both these issues are decided in positive.

  
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Civil Judge  
Tehsil Courts Malawa

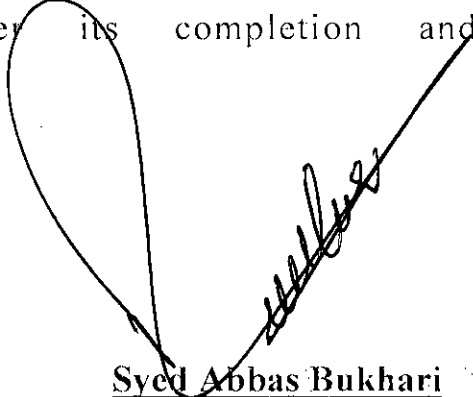
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**RELIEF:**

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 enter the correct dates of birth of plaintiffs no. 01 & 02 as **01.01.1971 & 01.01.1972** and further enter the correct father name of plaintiff no. 03 as **Rishmat Khan** in their official record. No order as to costs.

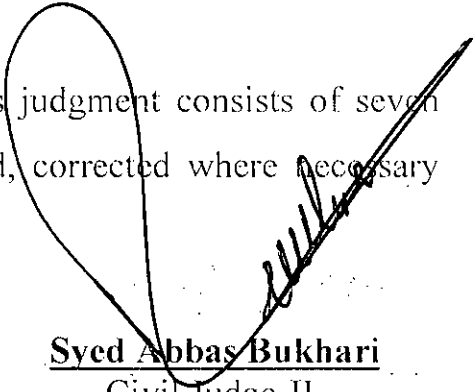
File be consigned to the District Record Room, Orakzai after its completion and compilation.

**Announced**  
**13.05.2024**

  
**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