

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

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Civil Suit No. 72/01 of 2024.  
 Date of Institution: 01.06.2024.  
 Date of Decision: 26.07.2024.

1. *Zahida Ahmad W/O Ahmad Khan,*
  2. *Muhammad Shaheen,*
  3. *Abdal Aziz,*
  4. *Abdul Wahid all sons of Ahmad Khan,*
  5. *Raqeeba Bibi W/O Muhammad Khan all residents of Qoum Akhel, Tappa Sarki Khel, Yakho Kandao, Tehsil Ismailzai, District Orakzai.*
- (Plaintiffs)**

**VERSUS**

1. *General Registrar Nadra, Islamabad.*
  2. *Deputy Registrar Nadra, Peshawar.*
  3. *Assistant Director Nadra, Orakzai,*
- Through**  
*System engineer, District Orakzai*

**(Defendants)**

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

**JUDGEMENT:**

26.07.2024

1. Plaintiffs Zahida Ahmad and four others have brought the instant suit against defendants, Registrar 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 is 01.01.1974, but the same has been wrongly entered in her record with the defendants as 01.01.1993.

That the correct date of birth of plaintiff No. 2 is 01.01.1992, but the same has been wrongly entered in his record with the defendants as 01.01.1984. That the correct date of birth of plaintiff No. 3 is 11.11.1994, but the same has been wrongly entered in his record with

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the defendants as 11.11.1991. That the correct date of birth of plaintiff No. 4 is 05.04.1996, but the same has been wrongly entered in his record with the defendants as 05.04.1994. That the correct date of birth of plaintiff No. 5 is 02.02.1993, but the same has been wrongly entered in her record with the defendants as 02.02.1990. That due to said wrong entries, there is unnatural age difference of plaintiff No. 1 with plaintiffs No. 2 to 5. They alleged that the defendants were asked time 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 the plaintiffs No. 1 to 5 are 01.01.1974, 01.01.1992, 11.11.1994, 05.04.1996 and 02.02.1993 respectively, but the same have been wrongly entered in their record with the defendants as 01.01.1983, 01.01.1984, 11.11.1991, 05.04.1994 and 02.02.1990 respectively and due to these wrong entries, there is unnatural age difference between plaintiff No. 1 with plaintiffs No. 2 to 5 and the same are liable to correction?*
3. *Whether plaintiffs are entitled to the decree as prayed for?*

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4. Relief?

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

5. PW-01, plaintiff No. 1 herself and as special attorney for the plaintiffs repeated the contents of the plaint and produced her special power of attorney as Ex. PW-1/1. Copy of her CNIC is Ex. PW-1/2, while copies of CNICs of plaintiffs No. 2 to 5 printed on one page is Ex. PW-1/3. He requested for decree of suit as prayed for.

6. PW-02, is the statement of the Ahmad Khan. He is father of plaintiff No. 2 to 5. He also supported the plea of plaintiffs and requested for decree of suit in favour of plaintiffs. Copy of his CNIC is Ex. PW-2/1.

7. PW-03, is the statement of the Lal Bat Gul. He is relative of the plaintiffs. He also supported the stance of the plaintiffs and also requested for decree of suit as prayed for.

8. All the statements of PWs were cross examined by representative of defendants.

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-1/2 respectively.

10. 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:

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11. The plaintiffs alleged that the correct date of birth of birth of the plaintiffs No. 1 to 5 are 01.01.1974, 01.01.1992, 11.11.1994, 05.04.1996 and 02.02.1993 respectively, but the same have been wrongly entered in their record with the defendants as 01.01.1983, 01.01.1984, 11.11.1991, 05.04.1994 and 02.02.1990 respectively and due to these wrong entries, there is unnatural age difference between plaintiff No. 1 with plaintiffs No. 2 to 5 and the same are liable to correction.

12. The plaintiffs produced and recorded statements of plaintiff No. 1, who is mother of plaintiffs No. 2 to 5 and the record shows that there is unnatural gap of date of birth of only 1 year age gap between the mother and her elder son (plaintiff No. 2). Similarly, the record further shows that there is only 08 years age gap between plaintiff No. 1 & plaintiff No. 3 being mother and son. Similarly, the age difference between plaintiff No. 1 (mother) and plaintiff No. 4 (son) is only 11 years, while the same difference between the age of plaintiff No. 1 and plaintiff No. 5 according to Nadra record is only 07 years which are against the law of nature. Furthermore, according to Nadra SOPs, there must be gap of 16/17 years the date of birth of mother and son/daughter. The above-mentioned wrong entries will create complications for the plaintiffs in future and there is likelihood of their suffering due to such wrong entries. The statement of mother of plaintiffs No. 2 to 5 is recorded as PW-01 and father of the plaintiffs No. 2 to 5 recorded as PW-02 are of much importance. They are natural witnesses of the birth

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✓ of their children and their statements have got the presumption of correctness. Correction be made accordingly. Issue is decided in positive.

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**Issue No. 01 & 03:**

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

13. As sequel to my findings on issue No. 02, the plaintiffs have proved through cogent evidence that the correct date of birth of plaintiff No. 1 is 01.01.1974, plaintiff No. 2 is 01.01.1992, plaintiff No. 3 is 11.11.1994, plaintiff No. 4 is 05.04.1996 and plaintiff No. 5 is 02.02.1993. Issues No. 01 & 03 are decided in positive.

**RELIEF:**

14. 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.

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

**Announced**  
26.07.2024

*Bakht Zada*  
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(Bakht Zada)  
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**CERTIFICATE**

Certified that this judgment of mine consists of five (05) pages, each has been checked, corrected where necessary and signed by me.

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