



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

Civil Suit No. 31/1 of 2024  
Date of Original Institution: 02.07.2024  
Date of Decision: 02.08.2024

1. MST. MAKHMALA WIFE OF MINAT KHAN AND
2. MST. QAIDA BIBI WIFE OF SAEED ULLAH, BOTH  
RESIDENTS OF QOM MISHTI, TAPPA DARVI KHEL,  
SHALZARA, DISTRICT ORAKZAI.

.....PLAINTIFFS

VERSUS

1. CHAIRMAN NADRA ISLAMABAD.
2. DG NADRA HAYATABAD PESHAWAR.
3. ASSISTANT DIRECTOR, NADRA DISTRICT ORAKZAI

.....DEFENDANTS

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

**JUDGMENT**

**02.08.2024**

Vide this Judgment I intend to dispose of suit captioned above.

1. It is suit from plaintiffs against defendants for declaration cum perpetual and mandatory injunction to the effect that correct dates of birth of plaintiffs are **01.01.1974** and **04.03.1993** respectively while the same has been incorrectly mentioned in the record of defendants as 01.01.1978 and 04.03.2001, 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;

2. Defendants were summoned, who 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 plaintiffs have got cause of action? OPP
2. Whether the correct dates of birth of plaintiffs are **01.01.1974** and **04.03.1993** respectively? OPP
3. Whether the plaintiffs are entitled to the decree as prayed for? OPP
4. Relief.

Issue wise findings of this court are as under: -

Thereafter both the parties were directed to produce their respective evidence, which they did and plaintiffs produced as many as two witnesses and thereafter closed their evidence with a note. Contrary to this defendants examined their sole witness as DW-01 and thereafter closed their evidence.

Both the counsels for the parties advanced arguments. Counsel for plaintiff opened arguments and

stated that correct dates of birth of plaintiffs are **01.01.1974** and **04.03.1993** respectively but same has been incorrectly mentioned in the record of defendants as 01.01.1978 and 04.03.2001. He further argued that plaintiffs succeeded to prove their stance through cogent, convincing and reliable evidence and furthermore, nothing in rebuttal has been brought on record by the opposite party. Hence prayed that suit in hand may kindly be decreed in favour of plaintiffs and against defendants for the relief as claimed for.

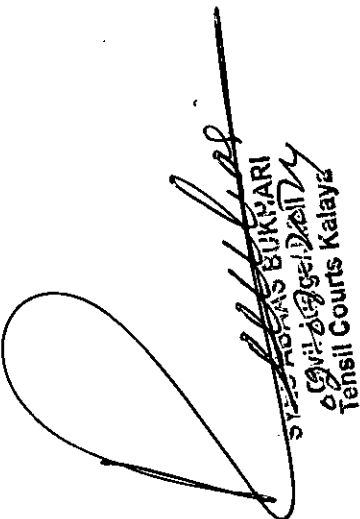
Contrary to this representative for defendants argued his case and stated that suit in hand is not maintainable, hence same may kindly be dismissed.

Now on perusal of record, evidence recorded by both the parties and valuable assistance of both the counsels for the parties, my issue wise findings are as under: -


**Issue No. 02:**

**Whether the correct dates of birth of plaintiffs are 01.01.1974 and 04.03.1993 respectively? OPP**

The plaintiffs have previously alleged in their plaint that correct dates of birth of plaintiffs are **01.01.1974** and **04.03.1993** respectively but same has been incorrectly mentioned in the record of defendants as

  
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01.01.1978 and 04.03.2001. To prove their stance plaintiffs produced witnesses in whom Mekail son of Minat Khan appeared in the witness box as PW-01 and stated that he is son of plaintiff no. 01 and brother of plaintiff no. 02. He further stated that his date of birth is 01.01.1991 while his mother (plaintiff no. 01) date of birth is 01.01.1978, due to which there exist thirteen years unnatural gap with his mother. He produced copies of his CNIC and his mother's CNIC which are Ex. PW-1/1 & Ex. PW1/2 respectively. He further stated that correct date of birth of plaintiff no. 02 is 04.03.1993 while defendants incorrectly entered the same as 04.03.2001 in her CNIC. He produced the copy of CNIC of plaintiff no. 02, which is Ex. PW-1/3. He further stated that the son of plaintiff no. 02 namely Rahim Ullah is studying in 9<sup>th</sup> Class at GHS Mishti Mela Bazar, whose date of birth is 20.03.2011, due to which there exist ten years unnatural gap between the ages of plaintiff no. 02 with her son Rahim Ullah. He produced the copy of birth certificate of his nephew Rahim Ullah which is Ex. PW-1/4. He lastly requested for decree of the suit. During cross. examination nothing tangible has been extracted out of him.

  
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PW-02 was produced and examined as one Saeed Ullah son of Wazir Khan, who stated on oath in light and support of the stance of plaintiffs. He produced the copy of his CNIC which is Ex. PW-2/1. During cross examination nothing contradictory has been brought on the record.

In order to counter the claim of the plaintiffs, defendants produced only one witness, the representative of the defendants namely Syed Irfan Hussain, who appeared as DW-01. He produced the authority letter which is Ex. DW-1/1. He stated that according to NADRA SOP there must be a difference of 17-18 years between mother and son. During cross examination he stated that it is correct that CNIC of plaintiff no. 01 is blocked due to unnatural gap with her son namely Mekail. It is further correct that there exist unnatural gap between the ages of plaintiff no. 02 with her son namely Rahim Ullah. Today I have seen the School Certificate of Rahim Ullah which is already exhibited as Ex. PW-1/4.

In light of above discussion as plaintiffs succeeded to prove their stance by producing documentary, cogent, convincing and reliable evidence and nothing in rebuttal has been brought on record by the opposite party.

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Furthermore, it is also pertinent to mention here that there exist an unnatural gaps between ages of plaintiffs and their sons. The age difference between the ages of plaintiffs and their sons are against the order of nature and impossible, accordingly, the issue in hand is hereby decided in positive.

**Issues No. 01 & 03:**


**Whether the plaintiffs have got cause of action? OPP  
Whether the plaintiffs are entitled to the decree as  
payed for? OPP**

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.

**RELIEF:**

As sequel to my above issue wise findings, the suit of the plaintiffs is hereby **decreed** as prayed for and defendants are hereby directed to enter the correct date of birth of plaintiffs no. 01 & 02 as **01.01.1974 & 04.03.1993** in their official record and thereafter issue fresh CNICs to plaintiffs with their correct dates of birth. This decree shall not effect the rights of other person(s) or service record if any. No order as to costs.

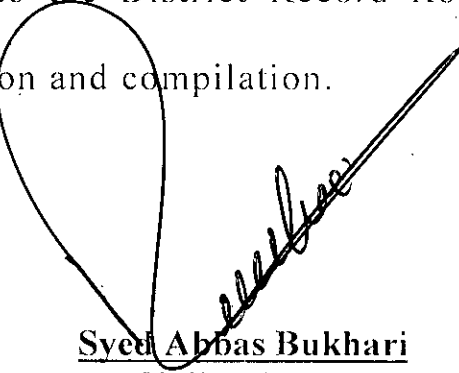


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Advocate  
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File be consigned to the District Record Room,  
Orakzai after its completion and compilation.

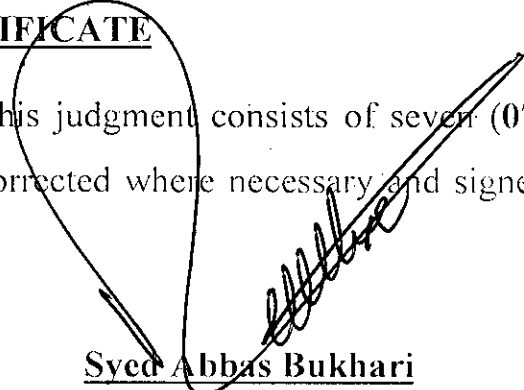
Announced  
02.08.2024



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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