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

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| Civil Suit No. | 83/1 of 2024 |
| Date of Institution: | 09.07.2024 |
| Date of Decision: | 30.07.2024 |

*Zainak S/O Niazak, R/O Qaum Mamozai, Tappa Sipaye, Tehsil Upper, District Orakzai*

***(Plaintiff)***

**VERSUS**

*Assistant Director NADRA*

***(Defendant)***

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

**JUDGEMENT:**
30.07.2024

**1.** Plaintiff Zainak S/O Niazak has brought the instant suit against defendant Assistant Director NADRA, Orakzai for declaration-cum-perpetual and mandatory injunction to the effect that his correct name is Zainak and his correct date of birth is 01.01.1959 which have been wrongly entered in his record with the defendant as Rainak and his date of birth as 1975. That due to the wrong entry of date of birth, there is unnatural age difference between plaintiff and his sons which needs rectification. He prayed for correction in his record with the defendant. The defendant was asked time and again to do the needful, but he refused to do so, hence, the present suit;

**2.** Defendant was summoned, who appeared before the court through his representative and contested the suit by filing authority letter and written statement.

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

**Issues:**

1. *Whether the plaintiff has got cause of action?*
2. *Whether the correct name of plaintiff is Zainak and his correct date of birth is 01.01.1959 which have been wrongly entered in his record with the defendant as Rainak and his date of birth as 1975 and that due to the wrong entry of date of birth, there is unnatural age difference between plaintiff and his sons?*
3. *Whether plaintiff is entitled to the decree as prayed for?*
4. *Relief?*

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

**4. PW-01:** Zainak, plaintiff himself appeared as PW-01 and repeated the contents of his plaint. He requested for decree of suit as prayed for.

1. Ex. PW-1/1: Copy of CNIC.
2. Ex. PW-1/2: Copy of MNIC.

**5. PW-02,** is the statement of the Maroof Khan. He is brother of plaintiff. He supported the stance of the plaintiff. He requested for decree of suit as prayed for.

1. Ex. PW-2/1: Copy of his CNIC

On the other hand, representative for NADRA, Irfan Hussain recorded his statement as DW-01. He produced family tree Ex. DW-1/1. He requested for dismissal of the suit.

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**7.** After closing of evidence of the parties, arguments of the learned

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counsel for the parties were heard and available record perused.

My Issue wise findings are as under: -

**Issue No. 02:**

**8.** Plaintiff has alleged in his plaint that his correct name is Zainak and his correct date of birth is 01.01.1959 which have been wrongly entered in his record with the defendant as Rainak and his date of birth as 1975. That due to the wrong entry of date of birth, there is unnatural age difference between plaintiff and his sons.

**9.** Plaintiff appeared and recorded his statement as PW-01, who produced his old MNIC which is Ex. PW-1/2 while his CNIC is Ex. PW-1/1, wherein his date of birth is correctly written as 01.01.1959. He further stated that his sons are illiterate and they needs to apply for CNIC, but due to his wrong date of birth and name in the NADRA record, the same will create complications for them in future. Brother of the plaintiff Maroof Khan recorded his statement as PW-02, who also supported the stance of the plaintiff. On the other hand, Irfan Hussain representative of defendant recorded his statement as DW-01 and produced family tree which is Ex. DW-1/1. During cross examination DW-01 also admitted that as per MNIC, date of birth of plaintiff is 01.01.1959 and there is unnatural age difference between plaintiff with his elder sons.

**10.** It is established from the MNIC of the plaintiff that his correct date of birth is 01.01.1959 instead of 1975, furthermore the CNIC of the family tree of the plaintiff available on the case file as Ex. DW-1/1 clearly shows that name of the plaintiff is written as Rainak which seems

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to be clerical mistake on the part of the defendant and needs rectification, therefore, correction be made and correct name of the plaintiff Zainak be entered in the record of the defendant.

**Issue No. 01 & 03:**

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

**11.** As sequel to my findings on issue No. 02, the plaintiff has proved his case through cogent evidence that his correct name is Zainak and his correct date of birth is 01.01.1975 instead of 1975. Issue No. 01 & 03 are decided in positive.

**RELIEF:**

**12.** As sequel to my above issue-wise findings, the plaintiff proved his case through cogent evidence, therefore suit of the plaintiff is hereby decreed as prayed for with no order as to cost.

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

**Announced**
**30.07.2024**

Saeed 30/7/24

**(Bakht Zada)**
Senior Civil Judge,
Orakzai at Baber Mela

**CERTIFICATE**

Certified that this judgement of mine consists of four (04) pages, each has been checked, corrected where necessary and signed by me.

Saeed 30/7/24

**(Bakht Zada)**
Senior Civil Judge,
Orakzai at Baber Mela