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

Civil Suit No. 79/1 of 2024  
Date of Institution: 21.06.2024  
Date of Decision: 30.07.2024

1. **Muhammad Sajid**
2. **Sher Zahid**

Both sons of Meraj Khan and R/O Qoum Mamozai, Tappa Sepoy,  
Tehsil Upper, District Orakzai.

*(Plaintiffs)*

**VERSUS**

1. **Assistant Director NADRA, Orakzai.**
2. **Secretary Union Council Mamozai.**
3. **Principal Standard Education Academy Jarma Kohat.**

*(Defendants)*

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

**JUDGEMENT:**

1. Plaintiffs Muhammad Sajid and Sher Zahid both sons of Meraj Khan have brought the instant suit against defendant Assistant Director NADRA and 02 others for declaration-cum-perpetual and mandatory injunction to the effect that correct name of the plaintiff No. 01 is **Muhammad Sajid** and his correct date of birth is **05.11.2002** as per school record and birth certificate while the defendants have wrongly entered the same as **Sajid** and **01.08.2010** respectively. Similarly, correct date of birth of plaintiff No. 02 is **02.07.2006** while it has been wrongly entered as **02.07.2011** in his record with the defendants. That the plaintiffs are in the age of majority and if such correction is not made, they will face hurdles. He alleged

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that the defendants were asked time and again for correction of name and dates of birth of the plaintiffs, but they refused to do so, hence, the present suit;

2. Defendants were summoned, in whom defendant No. 01 appeared before the court through representative namely Mr. Irfan Hussain and submitted written statement while rest of the defendants failed 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 plaintiffs have got cause of action?*
2. *Whether the correct name of the plaintiff No. 01 is Muhammad Sajid and his correct date of birth is 05.11.2002 while the defendants have wrongly entered the same as Sajid and 01.08.2010. Similarly, correct date of birth of plaintiff No. 02 is 02.07.2006 while it has been wrongly entered as 02.07.2011 in his record with the defendants?*

*Whether plaintiffs are entitled to the decree as prayed for?*

4. *Relief?*

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

**PW-01:** Mr. Meraj Khan, father of the plaintiffs appeared as PW-

  
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01. He supported the stance of the plaintiffs by repeating the contents of the plaint. The copy of his CNIC is Ex.PW-1/1. He was cross-examined by the representative of the contesting defendant.

**PW-02:** The plaintiff No. 01 namely Muhammad Sajid himself appeared as PW-02. He repeated the contents of the plaint and exhibited his school admission & withdrawal register as Ex.PW-2/1. Form "B" of the plaintiffs is Ex.PW-2/2 and School Leaving Certificate as Ex.PW-2/3.

**PW-03:** The plaintiff no. 02 namely Sher Zahid appeared as PW-03 who stated that his correct date of birth is 02.07.2006 while it has been wrongly entered by the defendants as 02.07.2011 in his record with the defendants. He further stated that he is in the age of majority and requested for decree as prayed for.

**PW-04:** Meer Ullah Khan s/o Abdul Rehman; paternal uncle of the plaintiffs appeared as PW-04. He stated that the age of the plaintiff No. 01 namely Muhammad Sajid is correct according to school record and plaintiff no. 02 namely Sher Zahid is mentioned too much younger by the defendants. He prayed for decree of the suit. Copy of his CNIC is Ex.PW-4/1.

On the other hand, representative for contesting defendant namely Irfan Hussain recorded his statement as DW-01, wherein he produced the Family Registration Certificate of the plaintiff as Ex.DW-1/1 and

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denied the claim of the plaintiff by repeating the contents of his written statement. He was cross-examined by the counsel for the plaintiffs; wherein, he admitted that he has seen the school record and birth certificate of the plaintiffs which are according to the plaint of the plaintiffs.

After closing of evidence of the parties, arguments of the learned counsel/representative for the parties were heard and available record perused.

My Issue wise findings are as under: -

**Issue No. 02:**

The plaintiffs alleged that correct name of the plaintiff No. 01 is **Muhammad Sajid** and his correct date of birth is **05.11.2002** as per school record and birth certificate while the defendants have wrongly entered the same as **Sajid** and **01.08.2010**. Similarly, correct date of birth of plaintiff No. 02 is **02.07.2006** while it has been wrongly entered as **02.07.2011** in his record with the defendants which needs rectification.

During the course of evidence, statement of Miraj Khan who father of the plaintiffs recorded as PW-01 who affirmed that the correct name of the plaintiff No. 01 is Muhammad Sajid and his correct date of birth is **05.11.2002** according to

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school record i.e Admission & Withdrawal Register Ex.PW-2/1 and School Leaving Certificate Ex.PW-2/3 and Birth Registration Certificate. Similarly, correct date of birth of plaintiff No. 02 is 02.07.2006. Copy of his CNIC is Ex.PW-1/1. Plaintiff No. 01 Muhammad Sajid as PW-02 also stated that his correct date of birth is 05.11.2002 according to admission and withdrawal register and his school leaving certificate which are Ex.PW-2/1 and Ex.PW-2/3 respectively. He prayed for decree for correct name and date of birth as prayed for in the plaint. Plaintiff No. 02 appeared as PW-03 affirmed that his correct date of birth is 02.07.2006 while it has been wrongly entered in his record with the defendants and prayed for decree of the suit. Meer Ullah Khan, paternal uncle of the plaintiffs appeared as PW-04 who also supported the stance of the plaintiffs. They were cross-examined by the representative of the contesting defendant No. 01 but nothing contradictory has been brought on record. The evidence produced by the plaintiffs particularly the statements of PW-01 and PW-04, who are the father and paternal uncle of the plaintiffs are of much importance and no doubt they can be safely considered the natural witnesses of their births, coupled with the date of birth of plaintiff No. 01 mentioned in School Leaving Certificate Ex.PW-2/3 and Birth Registration

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Certificate, cannot be rebutted through ordinary evidence. The contesting defendant No. 01 has only brought on record the Family Registration Certificate of the plaintiffs which is the impugned record and cannot be considered more authentic than the school record as well as from the oral statement of the father and paternal uncle of the plaintiffs. The evidence produced by the plaintiffs has remained unrebutted. The plaintiffs as per record are increasing their ages and not decreasing, meaning thereby that there is no apprehension of damage to the rights of any third person if name and date of birth of plaintiff No. 01 and date of birth of plaintiff no. 02 are corrected. Therefore, it is proved on record that correct name of plaintiff No. 01 is **Muhammad Sajid** and his correct date of birth is **05.11.2002** and correct date of birth of plaintiff No. 02 is **02.07.2006**. Issue is 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 proved through cogent evidence that correct name of plaintiff No. 01 is **Muhammad Sajid** and his correct date of

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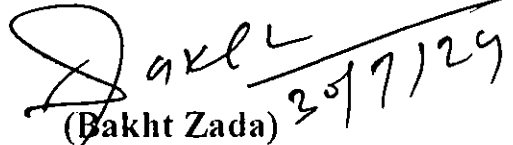
birth is 05.11.2002 and correct date of birth of plaintiff No. 02 is 02.07.2006. Issues No. 01 & 04 are decided in positive.

**RELIEF:**

As sequel to my above issue wise findings, 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.

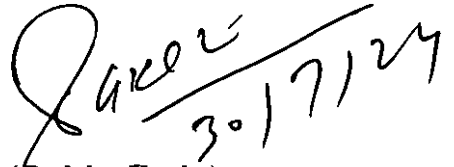
File be consigned to the Record Room after its completion and compilation.

**Announced**  
30.07.2024

  
(Bakht Zada) 30/7/24  
Senior Civil Judge,  
Orakzai (at Baber Mela)

**CERTIFICATE**

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

  
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Senior Civil Judge,  
Orakzai at (Baber Mela)