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

Civil Suit No. 78/1 of 2024.
Date of Institution: 13.06.2024.
Date of Decision: 26.07.2024.

*Amna Batool D/O Lal Hassan, R/O Qaum Ali Khel, Tappa
Mirwas Khel, Village Gandi Taal, Tehsil Upper, District Orakzai
(Plaintiff)*

VERSUS

1. *Chairman NADRA, Islamabad.*
2. *Director General NADRA, KPK at Hayat Abad Peshawar.*
3. *Assistant Director NADRA, Orakzai.*

(Defendants)

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

JUDGEMENT:

26.07.2024

1. Plaintiff Amna Batool D/O Lal Hassan has brought the instant suit against defendants Chairman NADRA, Islamabad and 02 others for declaration-cum-perpetual and mandatory injunction to the effect that her correct date of birth according to her Form B and Birth Certificate issued by Government Shaheed Baqir Ali Khan Girls High School, Ibrahimzai, is 25.04.2008, but the same has been wrongly entered in the subsequent Form B dated 30.08.2018 as 25.04.2009 which is wrong against the facts and ineffective upon her rights. That the plaintiff being minor has brought the instant suit through her father namely Lal Hassan being guardian. She alleged that the defendants were asked time and again for correction of date of birth of the plaintiff, but they refused to do so, hence, the present suit;

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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 plaintiff has got cause of action?*
2. *Whether the correct date of birth of the plaintiff as per Form B issued by the defendants is 25.04.2008 and the same has been wrongly entered as 25.04.2009 by the defendants in the subsequent Form B issued by them on 30.08.2018?*
3. *Whether plaintiff is 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: Lal Hassan, special attorney of plaintiff appeared as PW-01. He repeated the contents of the plaint. He produced the following;

1. Ex. PW-1/1: Copy of his CNIC.
2. Ex. PW-1/2: Special power of attorney.
3. Ex. PW-1/3: Copy of Form B (1st).
4. Ex. PW-1/4: Copy of School Birth Certificate.
5. Ex. PW-1/5: Copy of Form B (2nd)

PW-02, is the statement of the Ijaz Hussain S/O Lal Hassan. He is the brother of the plaintiff. He also affirmed that date of birth of the plaintiff is 25.04.2008. Copy of his CNIC is Ex.PW-2/1.

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4. On the other hand, representative for NADRA, Irfan Hussain recorded his statement as DW-01. Copy of his authority letter is Ex. DW-1/1. He requested for dismissal of the suit.

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: -

Issue No. 02:

5. The plaintiff alleged that her correct date of birth according to her Form B and Birth Certificate issued by Government Shaheed Baqir Ali Khan Girls High School Ibrahimzai is 25.04.2008, but the same has been wrongly entered as 25.04.2009 in the subsequent Form B issued by the defendants on 30.08.2018.

6. During the course of evidence, stance of the plaintiff was confirmed by her father who appeared as PW-01 and her brother who appeared as PW-02. Father of plaintiff, PW-02 produced form B Ex. PW-1/3 and school birth registration certificate issued by Government Shaheed Baqir Ali Khan Girls High School Ibrahimzai Ex. PW-1/4 as

per which, the date of birth of plaintiff is 25.04.2008. The said documents have been prepared prior to the Form B issued on 30.08.2018. The statements of father and elder brother being natural witnesses are of paramount importance and safe reliance can be made upon the same. Issue decided in positive.

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Issue No. 01 & 03:

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

7. As sequel to my findings on issue No. 03, the plaintiff has proved through cogent evidence that her correct date of birth is 25.04.2008 instead of 25.04.2009. Issue No. 01 & 03 are decided in positive.

RELIEF:

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

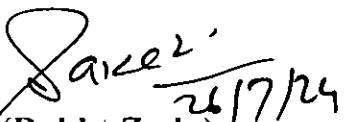
9. File be consigned to the record room after its completion and compilation.

Announced
26.07.2024


(Bakht Zada) 26/7/24
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CERTIFICATE

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


(Bakht Zada) 26/7/24
Senior Civil Judge,
Orakzai at (Baber Mela)