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

Civil Suit No.	88/1 of 2024
Date of Institution:	26.07.2024
Date of Decision:	30.07.2024

Rehmat Ullah s/o Suleman, R/O Qoum Mamozai, Tappa Abdur Raheem Khel, Tehsil Upper, District Orakzai.

(Plaintiff)

VERSUS

1. **Chairman NADRA, Islamabad.**
2. **Director General NADRA, Hayatabad, Peshawar.**
3. **Assistant Director NADRA, Orakzai.**

(Defendants)

SUIT FOR DECLARATION-CUM-PERPETUAL AND MANDATORY INJUNCTION

JUDGEMENT:

1. Plaintiff Rehmat Ullah s/o Suleman has brought the instant suit against defendant chairman NADRA and 02 others for declaration-cum-perpetual and mandatory injunction to the effect that his correct date of birth is 01.12.2002 according to school record, but the same has been wrongly entered in his record with the defendants as 01.08.1995, which needs rectification. He 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;

2. Defendants were summoned, who appeared before the court through their representative namely Mr. Irfan Hussain who submitted written statement.

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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 is 01.12.2002 and the defendants have wrongly entered the same as 01.08.1995 in his record with them?*
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: Abdul Jaleel s/o Sultan Muhammad, School Record Keeper appeared as PW-01. He produced the original admission and withdrawal register of school of the plaintiff, according to which the correct date of birth of the plaintiff is 01.12.2002. Copy of admission and withdrawal register is Ex.PW-1/1 and copies of service card of the PW-01 and copy of his CNIC are Ex.PW-1/2 and Ex.PW-1/3 respectively.

PW-02: The plaintiff namely Rehmat Ullah s/o Suleman himself appeared as PW-02. He repeated the contents of the plaint and exhibited his school leaving certificate as Ex.PW-2/1. Copy of his CNIC is Ex.PW-2/2, Copies of CNICs of his father namely Suleman and that of his mother are is Ex.PW-2/3 and Ex.PW-2/4 respectively.

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PW-03: Muhammad Aman who is brother of the plaintiff appeared as PW-03 and stated that plaintiff is his younger brother. He further narrated the same story as alleged by the plaintiff in his plaint. He exhibited the copy of his CNIC as Ex.PW-3/1.

On the other hand, representative for defendants 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 denied the claim of the plaintiff by repeating the contents of his written statement. He was cross-examined by the counsel for the plaintiff wherein he admitted that correction of date of birth of the plaintiff will neither affect the Family Tree of the plaintiff nor it will affect the right of any third person. He further stated that he has got no objection over such correction.

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:

4. The plaintiff alleged that his correct date of birth is 01.12.2002 according to school record, but the same has been wrongly entered in his record with the defendants as 01.08.1995, which needs rectification.

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During the course of evidence, statement of Abdul Jaleel, school record keeper recorded as PW-01 who affirmed that the correct date of birth of the plaintiff is 01.12.2002 according to school admission and withdrawal register which is Ex.PW-1/1. The relevant page of the said register has been produced from proper custody and being prepared prior to the NADRA record has got preference over the same. Plaintiff Rehmat Ullah as PW-02 also stated that his correct date of birth is 01.12.2002 according to his school leaving certificate Ex.PW-2/1. He prayed for decree for correct of date of birth as prayed for in the plaint. Brother of the plaintiff appeared as PW-03 who also affirmed that correct date of birth of the plaintiff is 01.12.2002 while it has been wrongly entered as 01.08.1995 in his record.

5. The evidence produced by the plaintiff particularly the statement PW-03 being elder brother of the plaintiff is of much importance and no doubt he can be safely considered the natural witness of his birth, coupled with the date of birth mentioned in his school leaving certificate mentioned in Ex.PW-2/1 cannot be rebutted through ordinary evidence. The defendants have only brought on record the Family Tree of the plaintiff which is the impugned record and cannot be considered more authentic than the school record as well as

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from the oral statement of the elder brother of the plaintiff. The evidence produced by the plaintiff has remained unrebutted. The plaintiff is neither government employee nor such correction will damage the right of any third person. 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 plaintiff has proved through cogent evidence that his correct date of birth is 01.12.2002. Issues No. 01 & 04 are decided in positive.

RELIEF:

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.

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

Announced
30.07.2024

Bakht Zada 30/7/24

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Senior Civil Judge,
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CERTIFICATE

Certified that this judgment of mine consists of six (06) pages, each has been checked, corrected where necessary and signed by me.

30/7/24

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