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

Civil Suit No. 49/1 of 2024
Date of Original Institution: 03.09.2024
Date of Decision: 20.09.2024

ABDUL MANAN SON OF RAZA KHAN, RESIDENT
OF QOM BEZOT, TAPPA QAMBAR KHEL, FEROZ
KHEL, TEHSIL LOWER DISTRICT ORAKZAI.

..... (PLAINTIFF)

VERSUS

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

.....(DEFENDANTS)

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

JUDGMENT

20.09.2024

1. Brief facts of the case in hand are that plaintiff has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct date of birth of plaintiff is **01.01.1996**, while defendants have incorrectly entered the date of birth of plaintiff as 01.01.1989 in their record, which is wrong, ineffective upon the right of the plaintiff and liable to correction. Furthermore, due to said wrong entry there exist an unnatural gap of about 12 years between the age of plaintiff and his

father. 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:

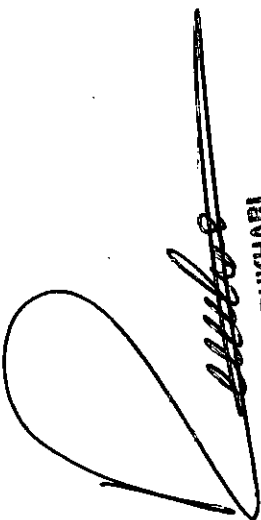
1. Whether the plaintiff has got a cause of action?
OPP
2. Whether the correct date of birth of plaintiff is 01.01.1996, while defendants have incorrectly entered the same as 01.01.1989 in his CNIC? OPP
3. Whether the plaintiff is entitled to the decree as prayed for?
4. Relief?

Issue wise findings of this court are as under: -

Issue No. 02:

Whether the correct date of birth of plaintiff is 01.01.1996, while defendants have incorrectly entered the same as 01.01.1989 in his CNIC? OPP

The plaintiff alleged in his plaint that correct date of birth of plaintiff is **01.01.1996**, while defendants have incorrectly entered the date of



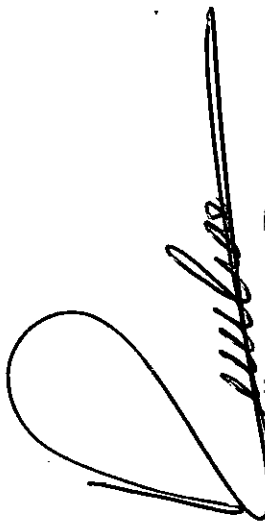
SYED ABBAS BUKHARI
Civil Judge (J) II
Tehsil Courts Kataya

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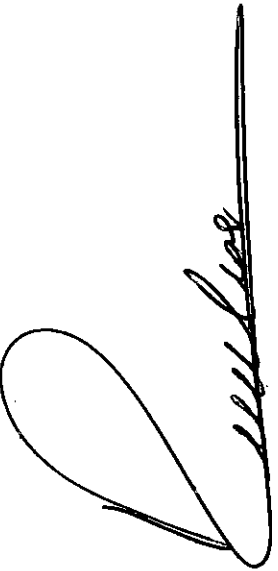
birth of plaintiff as 01.01.1989 in their record, which is wrong, ineffective upon the rights of the plaintiff and liable to correction.

The plaintiff produced two witnesses in whom the one Delawar Khan son of Yousaf Khan, appeared and deposed as PW-01. He stated that the correct date of birth of plaintiff is **01.01.1996** and has unnatural gap with his father. He lastly requested for decree of the suit. His CNIC is Ex. PW-1/1. During cross examination he stated that plaintiff has four brother and two sisters.

Abdul Manan son of Raza Khan, plaintiff himself appeared and deposed as PW-02. He stated that he has unnatural gap with his father. His correct date of birth is 01.01.1996 while defendants have incorrectly entered the same as 01.01.1989 which is wrong and liable to be corrected. He further stated that his father has two marriages. He produced the copies of his CNIC and his father CNIC which are Ex. PW-2/1 & Ex. PW-2/2 respectively. He lastly requested for decree of the suit. During cross examination he stated that his father alive. Thereafter, plaintiff closed his evidence with a note.


SYED ABAAS
Civil Judge/JMI-II
Tehsil Courts Kataya

In order to counter the claim of the plaintiff, defendants produced only one witness, the representative of the defendants namely Syed Irfan Hussain, who appeared as DW-01. He produced family tree, which is Ex. DW-1/1. As per family tree the date of birth of plaintiff is mentioned as 01.01.1989 and his father name as Raza Khan and mother name as Gula Wara Bibi. As per NADRA SOP there must be a difference of 17 to 18 years between the ages of parents and elder children. During cross examination he stated that it is correct that there exist unnatural gap between the ages of plaintiff and his father. It is also correct that mother name of plaintiff is Gula Wara Bibi and name of his step mother as Afnaza. Thereafter, representative for defendants closed his evidence with a note.


SYED AFAQ ALI
Civil Judge/III
Tehsil Courts Kaiyala

In light of above discussion as plaintiff succeeded to prove his stance by producing documentary, cogent, convincing and reliable evidence and nothing in rebuttal has been brought on record by the opposite party. Furthermore, it is also pertinent to mention here that there exist an unnatural gaps between ages of plaintiff and his

father. The age difference between the ages of plaintiff and his father is against the order of nature and impossible. Hence the issue in hand is hereby decided in positive in favor of plaintiff and against defendants.

Issue No. 01 & 03:

Whether the plaintiffs has got a cause of action?

OPP


Whether the plaintiff is entitled to the decree as prayed for?

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

As sequel to my findings on issue no. 02 the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Thus, both these issues are decided in positive.

RELIEF:

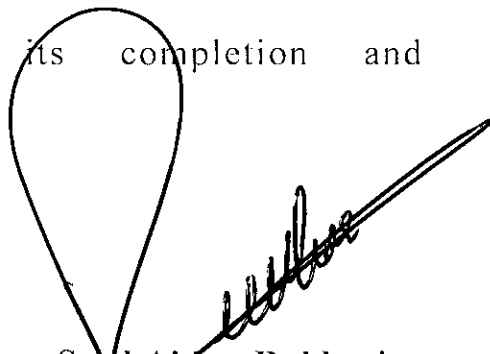
As sequel to my above issue wise findings, the suit of the plaintiff is hereby **decreed** as prayed for and defendants are hereby directed to correct date of birth of plaintiff as **01.01.1996** in their official record. No order as to costs. This decree shall not effect the rights of other person(s) or service record if any.


20-09-2024
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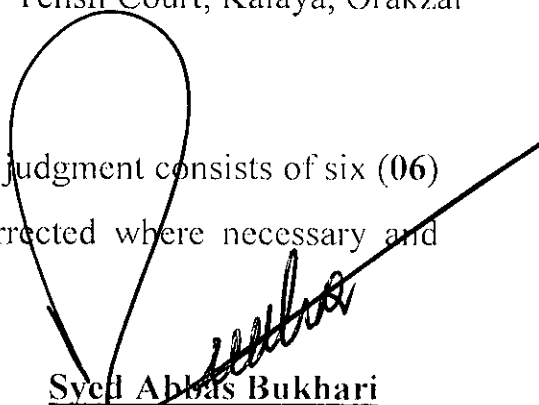
File be consigned to the District Record Room, Orakzai after its completion and compilation.

Announced
20.09.2024


Syed Abbas Bukhari
Civil Judge-II,
Tehsil Court, Kalaya, Orakzai

CERTIFICATE

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


Syed Abbas Bukhari
Civil Judge-II,
Tehsil Court, Kalaya, Orakzai