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

Civil Suit No. 50/1 of 2024  
Date of Original Institution: 05.09.2024  
Date of Decision: 25.09.2024

1. JAMADAR KHAN SON OF MOMIN KHAN AND
2. MST. RODIKA WIFE OF JAMADAR KHAN,  
BOTH RESIDENTS OF QOM MISHTI, TAPPA  
HAIDER KHEL, PO MISHTI MELA SARLA,  
TEHSIL CENTRAL DISTRICT ORAKZAI.  
.....(PLAINTIFFS)

**VERSUS**

CHAIRMAN, NADRA, ISLAMABAD.  
DIRECTOR GENERAL NADRA, PESHAWAR.  
ASSISTANT DIRECTOR, NADRA DISTRICT ORAKZAI.  
.....(DEFENDANTS)

  
25-09-2024  
SYED ABBAS BUKHARI  
Civil Judge II  
Tehsil Courts, Kalaya

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

**JUDGMENT**

25.09.2024

1. Brief facts of the case in hand are that plaintiffs have brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct dates of birth of plaintiff no. 01 & 02 are **01.01.1977**, while defendants have incorrectly entered the dates of birth of plaintiffs as 01.01.1978 & 1982 respectively in their record, which are wrong, ineffective upon the right of the plaintiff and liable

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to correction. Furthermore, due to said wrong entries there exist an unnatural gap of about 17 & 12 years between the ages of plaintiffs and their elder son. 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.


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

**Issues:**

1. Whether the plaintiffs have got a cause of action?  
OPP
2. Whether the correct dates of birth of plaintiffs are 01.01.1977, while defendants have incorrectly entered the dates of birth of plaintiffs as 01.01.1978 & 1982 respectively in their CNICs? OPP
3. Whether the plaintiffs are entitled to the decree as prayed for?
4. Relief?

Issue wise findings of this court are as under: -

**Issue No. 02:**


  
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**Whether the correct dates of birth of plaintiffs are 01.01.1977, while defendants have incorrectly entered the dates of birth of plaintiffs as 01.01.1978 & 1982 respectively in their CNICs? OPP**

The plaintiffs alleged in their plaint that correct dates of birth of plaintiffs are 01.01.1977, while defendants have incorrectly entered the dates of birth of plaintiffs as 01.01.1978 & 1982 respectively in their record, which are wrong, ineffective upon the right of the plaintiffs and liable to correction.

The plaintiff produced two witnesses in whom the one Jamadar Khan son of Momin Khan, plaintiff no. 01 himself, appeared and deposed as PW-01. He stated that his correct date of birth is 01.01.1977 while defendants have incorrectly entered as 01.01.1978. He further stated that correct date of birth of plaintiff no. 02 01.01.1977 while defendants have incorrectly entered as 1982. Copy of his CNIC is Ex. PW-1/1 and copy of his wife (plaintiff no. 02) CNIC is Ex. PW-1/2. He further stated that the date of birth of his son namely Ajmeen Khan is 01.01.1995 due to which there exist unnatural gaps of 17 & 13 years between the ages of plaintiffs and his son. He

  
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produced the copies of his son CNIC and his brother CNIC which are Ex. PW-1/3 & Ex. PW-1/4 respectively. During cross examination he stated that parents of plaintiff no. 02 has been died. He further stated that he is illiterate person.

Ajmeen Khan Son of Jumadar Khan, appeared and deposed as PW-02. He stated that he is the elder son of the plaintiffs. He stated that his correct date of birth is 01.01.1995. He further stated that there exist unnatural gaps of 17 & 13 with his parents. He further stated that his CNIC was expired on 08.03.2023 and defendants have not issued him fresh CNIC due to unnatural gap with parents. During cross examination nothing tangible has been extracted out of him.

Muhammad Ayub son of Khalil Akbar, appeared and deposed as PW-03. He produced his CNIC which is Ex. PW-3/1. He support the stance of plaintiffs as narrated in the plaint. Thereafter, plaintiffs closed their evidence with a note.

In order to counter the claim of the plaintiffs, defendants produced only one witness, the representative of the defendants namely Syed Irfan Hussain, who appeared as DW-01. He produced

*[Handwritten signature]*  
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Bhakkar  
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family tree of plaintiffs, which consisting upon 04 pages, which is Ex. DW-1/1. As per family tree of plaintiffs the date of birth of plaintiffs son namely Ajmeen Khan is 01.01.1995 while dates of birth of plaintiffs are 01.01.1978 & 1982 respectively. During cross examination he stated that it is correct that there exist unnatural gap between the ages of plaintiffs and their son. Thereafter, representative for defendants closed his evidence with a note.


In light of above discussion as plaintiffs succeeded to prove their 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 plaintiffs and their son. The age difference between the ages of plaintiffs and their son is against the order of nature and impossible. Hence the issue in hand is hereby decided in positive in favor of plaintiffs and against defendants.

**Issue No. 01 & 03:**

**Whether the plaintiffs have got a cause of action?**

**OPP**

**Whether the plaintiffs are entitled to the decree as**

  
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**prayed for?**

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

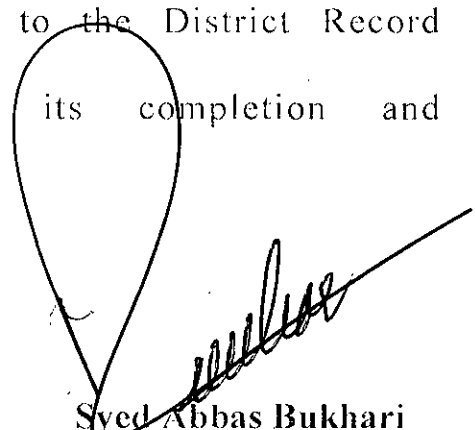
As sequel to my findings on issue no. 02 the plaintiffs have got a cause of action and therefore entitled to the decree as prayed for. Thus, both these issues are decided in positive.

**RELIEF:**

As sequel to my above issue wise findings, the suit of the plaintiffs is hereby **decreed** as prayed for and defendants are hereby directed to correct dates of birth of plaintiffs as **01.01.1977** 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.

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

**Announced**  
**25.09.2024**

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

CERTIFICATE

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

Syed Abbas Bukhari

Civil Judge-II,  
Tehsil Court, Kalaya, Orakzai