

IN THE COURT OF FARMAN ULLAH,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

(27)

Civil Suit No. 224/1 of 2019
Date of Institution: 19/12/2019

Date of Decision: 10/06/2020

Sahib Jan w/o Rehmat Ullah

Resident of Section Rabia Khel Sub Section Piyao Khel, village Sar Mela, Tehsil
Ismail Zai & District Orakzai..... (Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Registrar, General NADRA Islamabad.**
3. **Assistant Director, Registration NADRA District Orakzai.**

Defendants)

SUIT FOR DECLARATION, PERMANENT & MAIDATERY INJUNCTION

JUDGEMENT:

Brief facts of case in hand are that the plaintiff, **Sahib Jan w/o Rehmat Ullah**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that her correct date of birth is 01.01.1981 while defendants have wrongly mentioned her date of birth as 01.01.1986 in their record, which is incorrect and liable to be corrected. Hence, the present suit.

Defendants were summoned, who appeared through attorney namely Syed Farhat Abbas and submitted written statement, wherein they contested the suit of plaintiff on various grounds.

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

Issues:

Sahib Jan vs NADRA

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1. Whether plaintiff has got cause of action?
2. Whether the correct date of birth of the plaintiff is **01.01.1981** while defendants have wrongly mentioned **01.01.1986** in their record?
3. Whether plaintiff is entitled to the decree as prayed for?
4. Relief.

5. Parties were provided opportunity to produce evidence in support of their respective contention, which they did. Plaintiff produced his witnesses as PW-1 and PW-2.
6. Rehmat Ullah, who is the attorney/husband of the plaintiff appeared as PW-1, and recorded his statement wherein he repeated the contents of plaint in his examination in chief. He also produced his CNIC as Ex.PW-1/1, CNIC of the plaintiff as Ex.PW-1/2 and DMC of his son as Ex.PW-1/3.
 Muhammad Mustafa, who is the cousin of the plaintiff recorded his statement as PW-2. He stated that the real date of birth of the plaintiff is 01.01.1981 while it has been wrongly entered as 01.01.1986 by the defendants. He exhibited his CNIC as Ex.PW-2/1.
8. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1 and recorded his statement as DW-1. He produced the record form of plaintiff and exhibited the same as Ex. DW-1/1, birth family tree as Ex. DW-1/2.
9. After conclusion of the evidence arguments pro and contra heard. Case file is gone through.

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 10.6.2017
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10. My issues wise findings are as under:

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Issue No.02:

Plaintiff contended in his plaint that her correct date of birth is 01.01.1981 while it has been wrongly entered as 01.01.1986 in her CNIC by the defendants. The CNIC of plaintiff EX.PW-1/2 reflects that her date of birth has been recorded by the NADRA as 01.01.1986 while the DMC of a son of plaintiff Ex.PW-1/3 shows the date of birth of son of plaintiff as 15.03.1998. So there is only 12 years difference between the age of a son and his mother which apparently seems to unnatural and does not attract to a prudent mind to be a correct. So, on this score alone the contention of plaintiff seems to be genuine and based on truth. The oral evidence also corroborates the stance of plaintiff. The oral and documentary evidence produced by the plaintiff establishes that the correct date of birth of the plaintiff as 01.01.1981 while it has been wrongly entered as 01.01.1986 instead of 01.01.1981 in her CNIC issued by the NADRA. Hence, the issue No.2 is decided in positive.

Issue No. 01 & 03:

These issues are taken together. For what has been held in issue No. 2, this court is of the opinion that plaintiff has got cause of action and she is entitled to the decree as prayed for.

The issues are decided in positive.

Relief:

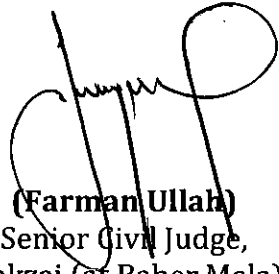
Consequently, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct their record by incorporating the date of birth of the plaintiff as 01.01.1981. Parties are left to bear their own costs.

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

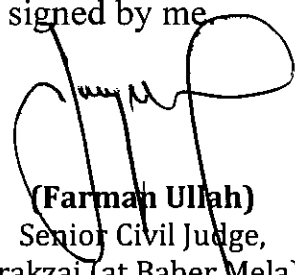
Announced

10/06/2020


(Farman Ullah)
Senior Civil Judge,
Orakzai (at Baber Mela).
FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela

CERTIFICATE

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


(Farman Ullah)
Senior Civil Judge,
Orakzai (at Baber Mela).
FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela