

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

(3)

Civil Suit No. 295/1 of 2020  
Date of Institution: 18/10/2019  
Date of Decision: 07/09/2020

**Imran s/o Habib Rehman**

Section Ali Khel Sub Section Mirwas Khel, PO Ghiljo, Tehsil upper & District Orakzai..... (Plaintiff)

VERSUS

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

(Defendants)

**SUIT FOR DECLARATION, PERMANENT & MANDATORY INJUNCTION**

**JUDGEMENT:**

07.09.2020

Brief facts of case in hand are that the plaintiff, **Imran s/o Habib Rehman**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that his correct date of birth is **01.01.1993**, his father's correct name is **Habib Rehman** and correct address is **Section Ali Khel, sub section Merwas Khan village Balyanai PO Ghiljo Tehsil Upper District Orakzai** while defendants have wrongly mentioned his date of birth as **01.01.1990**, his father's name as **Gulab Khan** and address as **Teen Talab, Borka, P/O Kohat, Tehsil and District Kohat** in their record, which are incorrect and liable to be corrected. Hence, the present suit.

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Senior Civil Judge  
Orakzai at Baber Mela

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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:

1. Whether plaintiff has got cause of action? OPP
2. Whether suit of the plaintiff is bad in its present form? OPD
3. Whether the correct date of birth of the plaintiff is **01.01.1993** whereas defendants have wrongly recorded the same in their record as 01.01.1990? OPP
4. Whether correct name of the plaintiff's father is "**Habeeb Rehman**" whereas defendants have wrongly recorded the same in their record as **Gulab Khan? OPP**
5. Whether correct address of plaintiff is **Section Ali Khel, sub section Merwas Khan village Balyanai PO Ghiljo Tehsil Upper District Orakzai** whereas defendants have wrongly recorded the same as **Teen Talab, Borka, PO Kohat Tehsil and District Kohat**, in their record? OPP
6. Whether plaintiff is entitled to the decree as prayed for? OPP  
Relief?
7. Parties were provided opportunity to produce evidence in support of their respective contention, which they did. Plaintiff produced his witnesses as PW-1 to PW-4.
8. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the registration record of the plaintiff and exhibited the same as Ex. DW-1/1 to Ex. DW-1/4.

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9. After conclusion of the evidence arguments pro and contra heard. Case file is gone through.
10. My issues wise findings are as under:

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**Issue No. 3,4 and 5:**

All the instant issues are interlinked and interconnected, hence to avoid repetition of facts, the same are taken together for discussion. Plaintiff contended in his plaint that his correct date of birth is **01.01.1993**, correct father's name is **Habeeb Rehman** and correct address is **Section Ali Khel, sub section Merwas Khan village Balyanai PO Ghiljo Tehsil Upper District Orakzai** but inadvertently his date of birth is erroneously recorded as **01.01.1990**, father's name as **Gulab Khan** and address as Teen Talab, Borka, PO Kohat, Tehsil & District Kohat in NADRA record. Hence, the record is liable to be corrected.

Plaintiff in support of his contention has appeared as PW-1 and he repeated the contents of plaint in his examination in chief. He also produced his brother's CNIC as Ex.PW-1/2 and his mother's CNIC as Ex.PW-1/3. PW-2, Habeeb Rehman, stated in his examination in chief that he is father of the plaintiff and correct date of birth of the plaintiff is 01.01.1993, father's correct name is **Habeeb Rehman** and correct address is **Section Ali Khel, sub section Merwas Khan village Balyanai PO Ghiljo Tehsil Upper District Orakzai**. He produced his CNIC as Ex.PW-2/1. PW-3 Ali Man Shah, who is close,

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relative of the plaintiff, also supported the contention of the plaintiff. PW-4, Muhammad Israfeel, who is relative of the plaintiff, stated in his examination in chief that plaintiff is not his brother rather he is son of Habib ur Rehman but inadvertently his father name has been wrongly recorded is Gulab Khan in his CNIC. He also stated that correct name of mother of plaintiff is Gul Warjana and his mother name is Robina but inadvertently the name of plaintiff's mother has been recorded as Robina in his CNIC. PW-4 produced his CNIC as Ex.PW-4/1. PW-1 to PW-4 were subjected to cross examination but nothing substantial was brought on record which could have shattered their testimony rather they remained consistent regarding the facts uttered by them in their examination in chief. Their testimony is also corroborated by the CNICs of parents and brother of plaintiff exhibited as Ex.PW-2/1, 1/2 and 1/3. So, the oral and documentary evidence produced by the plaintiff clearly establishing that the correct date of birth of the plaintiff is **01.01.1993**, father's name is **Habeeb Rehman** and address is **Section Ali Khel, sub section Merwas Khan village Balyanai PO Ghiljo Tehsil Upper District Orakzai**. The incorporation of date of birth of the plaintiff as **01.01.1990**, father's name as **Gulab Khan** and address as Teen Talab, Borka, PO kohat Tehsil and District Kohat in the record of NADRA appears to be a mistake. Hence, the issue No. 3,4 and 5<sup>af</sup> decided in positive.

  
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Senior Civil Judge  
Orakzai at Baber District

07.09.2020

Issue No. 02:

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Defendants in preliminary objection of their written statement raised the objection that suit of plaintiff is bad in its present form, however, to this effect neither any material was brought on record nor representative for defendants pointed out any defect in the suit of plaintiff.

In view of relief claimed by the plaintiff coupled with the available record, no defect appears in present form of suit of plaintiff.

Hence, issue No.2 is decided in negative.

Issue No. 01 & 06:

These issues are taken together. For what has been held in issue No. 3,4 and 5 this court is of the opinion that plaintiff has got cause of action and he is entitled to the decree as prayed for.

The issues are decided in positive.

Relief:

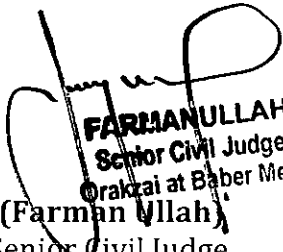
Consequently, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct their record by incorporating the date of birth of the plaintiff as **01.01.1993**, father's name as **Habeeb Rehman** while mother name as **Gul Warjana** and address as **Section Ali Khel, sub section Merwas Khan village Balyanai PO Ghiljo Tehsil**

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Upper District Orakzai, in their record. Parties are left to bear their own costs. (46)

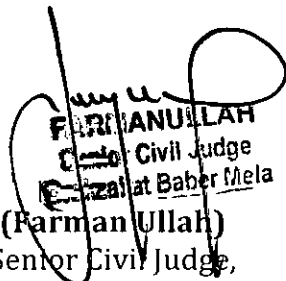
11. File be consigned to the record room after its completion and compilation.

**Announced**  
07/09/2020

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

**CERTIFICATE**

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

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