

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

Civil Suit No. 256/1 of 2020
Date of Institution: 28/01/2020
Date of Decision: 12/10/2020

Syed Ali Muhammad s/o Syed Gul Hussain
Section Bar Muhammad Khel, Sub Section Baba Nawasi, PO Kurez, Tehsil lower &
District Orakzai..... (Plaintiff)

VERSUS

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

(Defendants)

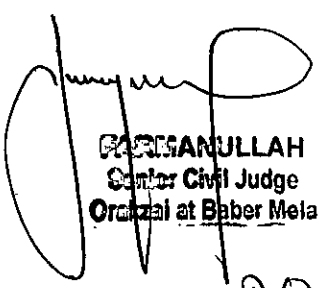
SUIT FOR DECLARATION, PERMANENT & MANDATORY INJUNCTION

JUDGEMENT:

12.10.2020

Brief facts of case in hand are that the plaintiff, **Syed Ali Muhammad s/o Syed Gul Hussain**, 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 **1985** while defendants have wrongly mentioned the same in their record as **1976**, 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.


FARMANULLAH
 Senior Civil Judge
 Orakzai at Baber Mela
 12.10.2020

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

Issues:

1. Whether plaintiff has got cause of action?
2. Whether the correct date of birth of the plaintiff is "1985" while defendants have wrongly mentioned the same as 1976 in their record?
3. Whether plaintiff is entitled to the decree as prayed for?
4. Relief.

12.10.2020
 Syed Ali Muhammad
 Senior Civil Judge
 Orizai Baber

5. 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-3.

6. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the record form of plaintiff and exhibited the same as Ex. DW-1/1.
7. After conclusion of the evidence arguments pro and contra heard. Case file is gone through.
8. My issues wise findings are as under:

Issue No.02:

Plaintiff contended in his plaint that his correct date of birth is 1985 but inadvertently the same was erroneously recorded as 1976 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 Service record as Ex.PW-1/2, while PW-2, Noor Shah Gul, who is brother of plaintiff stated in his examination in chief that correct date of birth of the plaintiff is 1985. PW-3, Muhammad Shoaib, who is a clerk of Police Department, Orakzai, produced the service book of the plaintiff, and exhibited the copy of same as Ex.PW-3/1. PW-1 to PW-3 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 Service record of plaintiff produced by PW-1 and PW-3 as Ex.PW-1/2 and Ex.PW-3/1, wherein, the date of birth of plaintiff has been recorded as 1985. So, the oral and documentary evidence produced by the plaintiff clearly establishing that the correct date of birth of the plaintiff is 1985. The incorporation of date of birth of the plaintiff as 1976 in the record of NADRA appears to be a mistake. 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 he is entitled to the decree as prayed for.

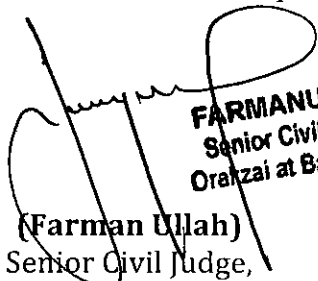
The issues are decided in positive.

Relief:

Consequently, suit of the plaintiff succeeds and is hereby decreed as prayed for. Parties are left to bear their own costs.

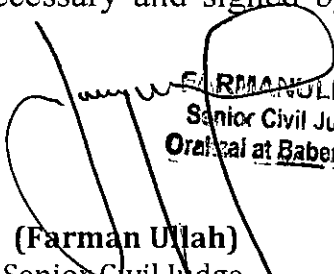
9. File be consigned to the record room after its completion and compilation.

Announced
12/10/2020


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 **04** (four) 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).