

**IN THE COURT OF MISS SADIA IBRAHIM, CIVIL JUDGE-
VII/JM, HARIPUR.**

Suit No.....244/1

Date of Institution..... 29-10-2022

Date of Decision.....10-03-2023

Counsel for Plaintiff -----Zahid Qayyoom Tanoli
Advocate

Representative for Defendant-----Nadia Jadoon DAD
Leagal

Fawad Ahmed s/o Naik Muhammad r/o Doodha,
Batigali Tehsil Ghazi, District Haripur.

(Plaintiff)

VERSUS

1. Registrar General NADRA through NADRA office
Haripur.

(Defendant)

**SUIT FOR DECLARATION & EJECTMENT THROUGH
CORRECTION**

JUDGMENT

Brief facts of the case are that plaintiff filed the instant suit for declaration & ejectment through correction to the effect that correct date of birth of plaintiff is 16.08.2006, while in the record of defendant it is wrongly entered as 16.08.2003, which

is not binding upon the rights of plaintiff and liable to be corrected. Plaintiff prayed that defendant may kindly be directed to issue fresh documents by rectifying their record as 16.08.2006.

Defendant was summoned, Defendant appeared before the court through representative and contested the suit by submitting written statement along with the authority letter.

Divergent pleadings of the parties generated the following issues:

ISSUES

- i) *Whether the plaintiff has got cause of action? OPP*
- ii) *Whether the correct date of birth of plaintiff is 16.08.2006 but wrongly mentioned in the record of defendants as 16.08.2003? OPP*
- iii) *Whether plaintiff is entitled to the decree as prayed for in the plaint? OPP*
- iv) *Relief?*

After framing of issues, parties were directed to submit list of witnesses and evidence in support of their contentions. In the light of evidence

produced by the parties, the case of the plaintiff is disposed in the light of above framed issues.

PLAINTIFF'S EVIDENCE

Plaintiff through his grandfather namely Akbar Hussain s/o Umar Khan appeared and recorded his statement as PW-01 in witness box, in which he stated that real & correct date of birth of plaintiff is 16.08.2006. He produce original result card of plaintiff, copy of which is Ex.PW-1/1, copy of domicile certificate of plaintiff which is Ex.PW-1/3. He produced his original CNIC, copy of which is Ex.PW-1/2 (original seen and return). At the end he requested that suit of plaintiff may kindly be decreed as per plaint.

Thereafter, counsel for plaintiff closed his evidence.

DEFENDANT'S EVIDENCE

By defendant's side, representative of NADRA, namely Nadia Jadoon DAD Legal

appeared as DW-1, and recorded her statement who produced Scan Image & Family Tree (consist upon 02 pages) which is Ex.DW-1/1 and stated that plaintiff mother processed form bay with whole contents in which she mentioned the name of the plaintiff as Fawad Ahmed s/o Naik Muhammad mother name as Gul Barq and date of birth as 16.08.2006 and as per plaintiff date of birth according to NADRA , he is 19 years old and eligible for CNIC and according to the downward domain which is not allowed as per NADRA SOPs. At the end defendant requested for dismissal the case of plaintiff baseless the instant suit is baseless.

Thereafter, representative of defendant closed her evidence.

After concluding evidence, arguments of the parties heard. In light of valuable assistance by counsels for the parties and perusal of entire record, the issue-wise findings of the Court are as under:

ISSUE NO.2

Whether the correct date of birth of plaintiff is 16.08.2006 but wrongly mentioned in the record of defendants as 16.08.2003? OPP

Plaintiff contended in his plaint that his correct date of birth is 16.08.2006, while in the record of defendant it is wrongly entered as 16.08.2003, which is not binding upon the rights of plaintiff and liable to be corrected.

In support of his stance, Plaintiff through his grandfather namely **Akbar Hussain s/o Umar Khan** appeared and recorded his statement as **PW-01** in witness box, in which he stated that real & correct date of birth of plaintiff is **16.08.2006**. He produces **original result card** of plaintiff, copy of which is **Ex.PW-1/1**, copy of **domicile certificate** of plaintiff which is **Ex.PW-1/3** in which the real date of birth of plaintiff is correctly mentioned as 16.08.2006. He produced his original **CNIC**, copy of which is **Ex.PW-1/2** (original seen and returned).

By defendant side **Nadia Jadoon DAD Legal** appeared as **DW-1**, and recorded her statement who produced **Scan Image & Family Tree (consist upon 02 pages)** which is **Ex.DW-1/1**.

Perusal of the suit file and evidence produced by the plaintiff reveals that as per SSC, BISE Rawalpindi & domicile certificate the correct date of

birth of plaintiff is **16.08.2006**. These documents being public documents have attached presumption of correctness unless rebutted by strong and convincing evidence. Additionally, entries in educational documents have got sanctity. Besides, the defendant has not refuted the authenticity of the Matriculation certificate and Domicile certificate of plaintiff nor there is any reason to believe that the DOB mentioned in the above said document is a managed one. Furthermore, all the documents placed on file on which plaintiff has relied substantiate his stance. It is pertinent to mention here that the Matriculation certificate is regarded as an authentic document. Here wisdom is taken from the case law titled **“Chairman, Federal Board of Intermediate and Secondary Education v. Kumail Khan” (2022 SCMR 912)**.

Furthermore, correction in date of birth of plaintiff will not affect rights of any third party rather it will streamline his record. Hence, the evidence produced by plaintiff in support of his

stance, seems genuine, hence, the issue is decided in affirmative.

ISSUE NO. 1 & 3

- i) *Whether the plaintiff has got cause of action?*
- iii) *Whether plaintiff is entitled to the decree as prayed for in his plaint?*

Both the issues are inter-linked, hence, decided collectively.

In the light of evidence discussed on issue No.2 the plaintiff has got genuine cause of action and is entitled to the relief as prayed for. Hence, both the issues are decided in affirmative.

RELIEF

Issues wise findings of this court and detail discussion would be that the plaintiff has proved his case through cogent and reliable evidence; hence, suit in hand is hereby **decreed** in favour of plaintiff against the defendant. Moreover, no rights of third party will be affected from the said correction. Therefore, defendant is directed to enter and record correct date of birth of plaintiff as **16.08.2006** in his record. No order as to cost. File be

consigned to record room after its necessary completion and compilation.

ANNOUNCED:

10.03.2023

(Miss Sadia Ibrahim)
Civil Judge-VII/JM,
Haripur

CERTIFICATE

Certified that my judgment consists of eight (08) pages.

Each page has been checked, read over, corrected where necessary and duly signed by me.

(Miss Sadia Ibrahim)
Civil Judge-VII/JM,
Haripur

ORDER-10

10.03.2023

Plaintiff along with Counsel Zahid Qayyoom Tanoli
Advocate and defendant through Representative
Nadia Jadoon present.

Vide my detailed judgment of today, consists of
eight (08) pages, placed on file. Sequel of my
discussion would be that the plaintiff has proved
his case through cogent and reliable evidence.
Therefore, suit in hand is hereby **decreed** in favor of
the plaintiff against the defendant. No order as to
cost. File be consigned to record room after its due
completion and compilation.

Announced

10.03.2023

(Miss Sadia Ibrahim)
Civil Judge-VII/JM,
Haripur