

**IN THE COURT OF ZAHIR KHAN**  
Civil Judge-I, Kalaya, Orakzai

Suit No.....8/1 of 2023.

Date of Institution.....06.03.2023.

Date of Decision.....13.03.2023.

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Mst. Socha Mina W/O Zaly Khan, Qaum Feroz Khel, Tappa Qeemat  
Khel, Village Shna Naka, Tehsil Lower, District Orakzai.

.....(Plaintiff)

**Versus**

1. Chairman NADRA, Islamabad.
2. Director General NADRA, Khyber Pakhtun Khwa, Peshawar.
3. Assistant Director NADRA, District Orakzai.

..... (Defendants)

**SUIT FOR DECLARATION & PERMANENT JUNCTION****JUDGEMENT**

13.03.2023

Through this judgement, I am going to dispose of the instant suit filed by plaintiff namely Mst. Socha Mina against defendants Chairman NADRA, Islamabad and two others for declaration and permanent injunction.

Brief facts in the backdrop are that plaintiff has filed the instant suit for declaration cum-permanent injunction to the effect that, true and correct date of birth of plaintiff is 01.01.1964, however, defendants have incorrectly entered the same as 01.01.1967 which is wrong, illegal and ineffective upon the rights of plaintiff and liable to



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After the completion of evidence, arguments of the learned counsel for the parties were heard and record of the case file was gone through with their valuable assistance.

Plaintiff produced one witness in support of her claim while defendants also produced one witness in defense.

Khalid Khan, son and special attorney of plaintiff, appeared and deposed as PW-01 and reiterated the averments of plaint. Special power of attorney is Ex. PW-1/1, Copy of his CNIC is Ex. PW-1/2. Copy of CNIC of plaintiff is Ex. PW-1/3.


Thereafter, evidence of plaintiff was closed.

Irfan Hussain (Representative of NADRA, Orakzai) appeared as DW-01. He produced family tree of plaintiff which is Ex. DW-1/1. He lastly requested for dismissal of suit of plaintiff. Thereafter, evidence of defendants was closed.

The above discussion boils down to my following issue-wise findings.

**ISSUES NO.2**

Plaintiff has been issued CNIC on 25.08.2021 with expiry date of 25.08.2031 while suit in hand was filed on 06.03.2023. In plethora of judgements of the apex superior courts, it is held that every wrong entry will accrue fresh cause of action. As period of limitation under Article 120 of Limitation Act is six years, therefore, suit of plaintiff is held to be within time. Issued decided in positive.

  
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ISSUES NO.3

Claim and contention of plaintiff is that her true and correct date of birth is 01.01.1964, however, defendants have incorrectly entered the same as 01.01.1967 which is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. That due to this wrong entry, there is unnatural age difference of about 14 years between plaintiff and her son namely Khalid Khan whose date of birth is recorded as 1981. Plaintiff produced reliable documentary evidence in support of her claim and contention. As per Ex. PW-1/2, date of birth of plaintiff's son is recorded as 1981 while as per Ex. PW-1/3, date of birth of plaintiff is recorded as 01.01.1967 resulting into unnatural age difference of 14 years between plaintiff and her son. Plaintiff is not a government servant. The rectification/modification sought by plaintiff will not affect rights of others. DW-01, in his cross examination categorically admitted that there must be at least 17 years age difference between mother and her children. If date of birth of plaintiff is not modified, it will result into inconvenience to plaintiff and her family members. Oral evidence produced by plaintiff is also supportive to the averments of plaintiff.

Keeping in view the above discussion, documentary as well as oral evidence available on file and admission of DW-01, issue No.3 is decided in favor of plaintiff against the defendants.

ISSUES NO.1 & 4.

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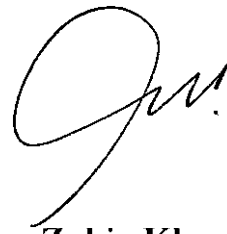
In the light of foregoing discussion, it is held that plaintiff has got cause of action and is entitled to the decree, as prayed for. Both these issues are decided in positive in favor of plaintiff.

**RELIEF:**

Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in her favor against the defendants as prayed for: No order as to cost. This decree shall not affect the rights of other persons interested, if any.

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

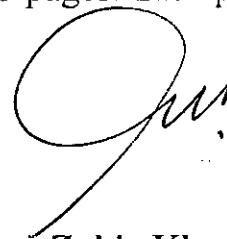
**ANNOUNCED**  
13.03.2023



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**CERTIFICATE**

It is certified that this judgment consists of 05 pages. Each page has been dictated, read, corrected and signed by me.



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