

**IN THE COURT OF SAMI ULLAH,**

Civil Judge-I, Orakzai at Baber Mela

Civil Suit No. 48/1 of 2022  
Date of Institution: 14/10/2022  
Date of Decision: 07/04/2023

- 1. **Mst. Wahab Jana W/o Khan Muhammad**
  - 2. **Mst. Anar Jana D/o Khan Muhammad**
  - 3. **Mst. Ilam Jana D/o Khan Muhammad**  
All R/O Qoam Mamozai, Tappa Adoo Khel, Arghonja, Tehsil Upper,  
District Orakzai.
- .....(Plaintiffs)

**VERSUS**

- 1. **Assistant Director Nadra, District Orakzai.**
  - 2. **D.G Nadra, Peshawar**
  - 3. **Chairman Nadra, Islamabad**
- .....(Defendants)

**SUIT FOR DECLARATION & PERMANENT INJUNCTION**

**JUDGEMENT:**

1. Plaintiffs have brought the instant suit for declaration-cum-permanent injunction against defendants, seeking therein that correct date of birth of plaintiff No.01 according to her marriage certificate is **01.01.1967** but the defendants have wrongly incorporated her date of birth as 01.01.1988 in their record. Furthermore, the correct date of birth of plaintiff No.02 & 03 is **01.01.1986** being twin sisters but defendants have also wrongly incorporated the same in their record as 01.03.1982 and 01.01.1984 which are wrong and ineffective upon their rights and are liable to correction. The defendants were asked time and again for correction of date of birth of plaintiffs but they refused to do so, hence the present suit;

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- 2. Defendants were summoned, they appeared before the court through their representatives and contested the suit by filing their written statement, wherein various legal and factual objections were raised.
- 3. Divergent pleadings of the parties were reduced into the following issues;

Issues:

- 1. *Whether plaintiffs have got cause of action?*
- 2. *Whether the plaintiffs are estopped to sue?*
- 3. *Whether suit of the plaintiffs within time?*
- 4. *Whether the correct date of birth of the plaintiff No.01 is 01.01.1967?*
- 5. *Whether correct date of birth of plaintiff No.02 and 03 are 01.01.1986 being twin sisters and defendants have wrongly mentioned in their record as 01.03.1982 and 01.01.1984?*
- 6. *Whether the plaintiffs are entitled to the decree as prayed for.*
- 7. *Relief.*
- 4. Parties were given ample opportunity to produce evidence which they did accordingly.
- 5. Issue wise findings of this court are as under: -

Issue No. 02:

*Whether the plaintiffs are estopped to sue?*

- 6. The defendants in their written statement raised the objection that the plaintiffs are estopped to sue but later on failed to prove the same, hence, the issue is decided in negative.

*Larry*  
*Ullas*  
 Sami Ullah  
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Issue No. 03:*Whether suit of the plaintiffs within time?*

7. The defendants in their written statement raised the objection that suit of the plaintiffs is time barred but I am of the opinion that as per Article 120 of the Limitation Act, 1908 there is a period of 06 years for the institution of such like suits but the aforesaid Limitation Act, 1908 is extended to the erstwhile FATA on **31/05/2018** through the 25th constitutional amendment and the same has become operational from the aforesaid date while the instant suit has been filed on **14.10.2022**. Thus, the same is well within time. The issue is decided in positive.

Issue No. 04 and 05:

*Whether the correct date of birth of the plaintiff No.01 is 01.01.1967?*

*Whether correct date of birth of plaintiff No.02 and 03 are 01.01.1986 being twin sisters and defendants have wrongly mentioned in their record as 01.03.1982 and 01.01.1984?*

8. The plaintiffs alleged in their plaint that the correct date of plaintiff No.01 is **01.01.1967** while the defendants have wrongly entered the same in their record which is wrong, ineffective upon the rights of the plaintiffs and liable to correction.

9. Furthermore, the correct date of birth of plaintiff No.02 and Plaintiff No.03 is **01.01.1986** being twin sisters but defendants have also wrongly incorporated the same in their

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record is 01.03.1982 and 01.01.1984 which are wrong and ineffective upon their rights and are liable to correction.

10. The plaintiffs produced two witnesses in their favour, who recorded their statement and testified that the correct date of birth plaintiff No.01 is **01.01.1967** and the correct date of birth of plaintiff No.02 & 03 are **01.01.1986** being twin sisters.

11. PW-1 namely Khan Muhammad who is husband of plaintiff No.1 and father of plaintiff No.2&3, recorded his statement that he has wed plaintiff No. 01 on 05.01.1985 and on that time her age was 18-years and date of birth is **01.01.1967**. He further stated that that plaintiff No.02 & 03 are twin sisters and their correct date of birth are **01.01.1986**. Further stated that there is unnatural gap in age of plaintiff No.01 with plaintiff No.02 & 03. Power of attorney, copy of his CNIC, copy of plaintiff No.01 CNIC, copy of plaintiff No.02 CNIC, copy of plaintiff No.03 CNIC and Marriage Certificate are Ex.PW-1/1 to Ex.PW-1/6.

12. PW-02 namely Saida Jan recorded in his statement that plaintiffs are his relative and marriage of plaintiff No.01 took place in the year 1985 and there is unnatural gap in age of plaintiff No.01 with her daughters i.e. plaintiff No.02 & 03. His CNIC is Ex.PW-2/1. The said PW admitted in his cross examination that the daughters of plaintiff No.1 were born twins.

13. In order to counter the claim of the plaintiffs, the defendants produced only one witness, Mr. Irfan Hussain, the

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representative of the defendants appeared as DW-01. He produced family trees which are Ex. DW-1/1 and Ex. DW-1/2. According to this document the date of birth of plaintiff No.01 & 03 are 01.01.1988 & 01.01.1984. He further stated that stamp paper produced for plaintiff No.01 as her Marriage Certificate and there is over writing in Para Alif. He further stated there is unnatural gap in age of plaintiff No.01 with plaintiff No.02 & 03. DW-01 in his cross examination admitted that the plaintiff No.01 is the wife of Khan Muhmmad and plaintiff No.02 & 03 are her daughters. He further admitted that there is unnatural gap in age of plaintiff No.01 with plaintiff No.02 & 03.

- 14. Arguments heard and record perused.
- 15. After hearing of arguments and perusal of record I am of the opinion that the stance of the plaintiffs is supported by the documents and evidence which they produced. That the correct date of birth of plaintiff No.01 is **01.01.1967** and the correct date of birth of plaintiff No.02 & 03 being twin sisters are **01.01.1986**.
- 16. Thus, in the light of the aforesaid findings, the issues are decided in positive.

Issue No. 01 & 06:

- Whether plaintiff has got cause of action?*
- Whether the plaintiff is entitled to the decree as prayed for.*

- 17. Both these issues are interlinked, hence, taken together for discussion. As sequel to my findings on issue No. 4 and 5 the plaintiffs have got cause of action and therefore entitled to

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the decree as prayed for. Both these issues are decided in positive.

**RELIEF:**


18. As sequel to my above issue wise findings, the suit of the plaintiffs is hereby decreed as prayed for, defendants are directed to correct date of birth of plaintiff No.01 is **01.01.1967** and to correct date of birth of plaintiff No.02 & 03 being twin sisters are **01.01.1986** in their record.
19. Parties are left to bear their own cost.
20. Decree sheet be drawn up accordingly.
21. File be consigned to the Record Room after its necessary completion and compilation.

**Announced**  
**07.04.2023**

  
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Civil Judge-I,  
Orakzai at Baber Mela.

**CERTIFICATE**

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

  
**Sami Ullah**  
Civil Judge-I,  
Orakzai at Baber Mela.