

IN THE COURT OF REHMAT ULLAH WAZIR,
CIVIL JUDGE-I ORAKZAI AT BABER MELA

Civil Suit No. 53/1 of 2019
Date of Institution: 21/03/2019
Date of Decision: 20/09/2019

Mst. MARYAMEENA W/O RAZIZ ULLAH KHAN

Resident of DDM, Orakzai

(Plaintiff)

VERSUS

1. **Registrar, General NADRA, Islamabad, Pakistan.**
2. **Deputy Registrar, General NADRA, KPK, Peshawar.**
3. **District Registration Officer, NADRA, District Orakzai.**

Through District Registration Officer, NADRA, Orakzia.....

(Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

JUDGEMENT:

1. Plaintiff Mst. Maryameena has brought the instant suit for declaration-cum-permanent injunction against defendants Registrar General NADRA, Islamabad, Pakistan and Deputy Registrar General NADRA, Peshawar, KPK, through Assistant Registrar General NADRA, Bahadur Banda, District Orakzai seeking therein that correct date of birth of the plaintiff is 01-01-1966, whereas, defendants have wrongly entered the same as 01-01-1977 instead of 01-01-1966, which is wrong and ineffective upon the rights of the plaintiff and is liable to correction. That the defendants were asked time and again for correction of date of birth of the plaintiff but they refused to do so, hence the present suit;
2. Defendants were summoned. Defendant Nos. 01 to 03 appeared before the court through their representative and contested the suit by filing their written statement.

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Rehmat Ullah Wazir
Civil Judge-I
Orakzai at Baber Mel

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

Issues:

1. Whether the plaintiff has got any cause of action?
2. Whether suit of the plaintiff within time?
3. Whether the correct date of birth of the plaintiff is 01-01-1966 while the date 01/01/1977 as mentioned in the CNIC of the plaintiff is incorrect?
4. Whether the plaintiff is entitled to the decree as prayed for?
5. Relief?

Parties were given an opportunity to produce evidence which they did accordingly.

Issue wise findings of this court are as under: -

Issue No. 02:

M → The defendants in their written statements raised their objection that suit of the plaintiff is time barred but I am 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 while the suit CNIC has been issued to the plaintiff on 26/04/2018. Thus the suit of the plaintiff is well within time, hence, the issue is decided in positive.

Issue No. 03:

The plaintiff alleged in her plaint that her correct date of birth is 01-01-1966, whereas, defendants have wrongly entered the same as 01-01-1977 instead of 01-01-1966, which is wrong

and ineffective upon the rights of the plaintiff and is liable to correction. That the defendants were asked time and again for correction of date of birth of the plaintiff but they refused to do so, hence the present suit;

The plaintiff produce witnesses in whom the record keeper NADRA, Mr. Habib Ullah Khan appeared as PW-1, who produced Computerized Form Alif of the plaintiff, which is Ex. PW-1/1 and that according to this the date of birth of the plaintiff is 01/01/1977 and he further produced the computerized data of the plaintiff which is Ex. PW-1/2. During cross examination he admitted that it is correct that the plaintiff has never obtained the manual NIC and that she is illiterate. Further Mr. Aziz Ur Rehman, the son and special attorney of the plaintiff appeared is PW-2, who produced the CNIC of the plaintiff which is Ex. PW-2/2, further produced his own CNIC which is Ex. PW-2/3 in further narrated the same story as in the plaint. Further Mr. Raziz Ullah, the husband of the plaintiff appeared as PW-3, who narrated the same story in the plaint. He has been cross examined, during which his stated that it is correct that he got married in 1983 and that it is correct that as per NADRA record, the date of birth of the plaintiff is 01/01/1977 while her correct date of birth is 01/01/1966 and that at the time of marriage the age of the plaintiff was 18 years.

In order to counter the claim of the plaintiff, the defendants produced only Mr. Syed Farhat Abbas, the representative of the defendants as DW-1, who produced the CNIC Form of the plaintiff which is Ex. DW-1/1 and that

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Admitted Under the
Chief Justice's
Order of 19/01/2014

according to this the date of birth of the plaintiff is 01/01/1977 but admitted is his cross examination that it is correct that it is not possible to have a difference of 08 years only in the dates of birth of the mother and her son.

Arguments heard and record perused.

After hearing of arguments and perusal of record I am of the opinion that the defendants have issued CNICs both to the plaintiff and her son, bearing the date of birth of the plaintiff is 01/01/1977 while that of her son, as 01/01/1985, who also appeared PW-2 and as a special attorney for the plaintiff during evidence, meaning thereby that there is a very un-natural difference of 08 years in the dates of birth of the plaintiff and her son which is not possible biologically and naturally to have a son in the age of 08 years. Further the admissions made by the PW-3, the husband of the plaintiff during cross examination like "it is correct that he married in 1983 and that it is correct that the date of birth of the plaintiff in NADRA Record is 01/01/1977", go against the stance of the defendant with preposition that how it is possible naturally for a girl to enter into a marital tie in the age of approximately 07 years. The defendants being a public institution is duty bound to correct such like un-natural discrepancies by as simple application of a citizen and they ought not to have compelled the plaintiff to go through hectic and costly rounds of litigation. Thus, in the light of the aforesaid findings, the issue is decided in positive.

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[Handwritten signature and stamp]

Issue No. 01 &04:

Both these issues are interlinked, hence, taken together for discussion. As sequel to my findings on issue No. 3, the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Both these issues are decided in positive.


RELIEF:

As sequel to my above issue wise findings, the suit of the plaintiff is hereby decreed as prayed for with no order as to costs.

Defendants are directed to issue CNIC to the plaintiff as per her correct date of birth i.e. 01/01/1966.

File be consigned to the Record Room after its completion and compilation.


Announced
20/09/2019


(Rehmat Ullah Wazir)
Civil Judge-I,
Orakzai at Baber Mela.

Rehmat Ullah Wazir
Civil Judge/JM-I
Orakzai at (Babar Mela)

CERTIFICATE

Certified that this judgment of mine consists of 05 pages, each has been checked, corrected where necessary and signed by me.


(Rehmat Ullah Wazir)
Civil Judge-I,
Orakzai at Baber Mela.

Rehmat Ullah Wazir
Civil Judge/JM-I
Orakzai at (Babar Mela)