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

Civil Suit No. 23/1 of 2019
Date of Institution: 04/07/2019
Date of Decision: 07/11/2019

**Muhammad Rasool S/O Usman Khan Qom Ali Khel Tehsil Upper
District Orakzai.** (Plaintiff)

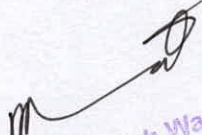
VERSUS

1. **Registrar, General NADRA, Islamabad, Pakistan.**
2. **Deputy Registrar, General NADRA, KPK, Peshawar.**
3. **Assistant Registrar General, NADRA, District Orakzai.**
Through Assistant Director NADRA, Orakzia..... (Defendants)

**SUIT FOR DECLARATION -CUM- PERPETUAL AND
MANDATORY INJUNCTION**

JUDGEMENT:

1. Plaintiff Muhammad Rasool 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 Director, Bahadur Banda, District Orakzai seeking therein that correct date of birth of the plaintiff is 1962, whereas, defendants have wrongly entered the same as 10-07-1972 in his CNIC No. 14101-1788620-7 instead of 1962, 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;

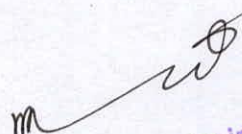

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Civil Judge
Orakzai at (Bahadur Mela)

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2. Defendants were summoned who appeared before the court through their representative and contested the suit by filing their written statement.
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 the plaintiff is estopped to sue?
3. Whether suit of the plaintiff within time?
4. Whether the correct date of birth of the plaintiff is 1962 while the same has been wrongly entered in his CNIC as 10-07-1972, which resulted in the gap between the plaintiff and his elder son as 12 years which is un-natural and unlawful?
5. Whether the plaintiff is entitled to the decree as prayed for?
6. Relief?


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Civil Judge (I) - I
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Parties were given an opportunity to produce evidence which they did accordingly.

Issue wise findings of this court are as under: -

Issue No. 02:

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

Issue No. 03:

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 04/08/2016. Thus, the suit of the plaintiff is well within time, hence, the issue is decided in positive.

Issue No. 04:

The plaintiff alleged in his plaint that his correct date of birth is 1962, whereas, defendants have wrongly entered the same as 10-07-1972 instead of 1962, 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;


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The plaintiff produced witnesses in whom the plaintiff himself appeared as PW-1, who produced his Manual NIC, which is Ex. PW-1/1 and that according to this the date of birth is 1962 while the same in the computerized CNIC is 10-07-1972 and he further produced the CNIC of his elder son bearing CNIC No. 14101-2362806-5 which is Ex. PW-1/2. Further Syed Rasool, the younger brother of the plaintiff appeared is PW-2, who produced his own CNIC which is Ex. PW-2/1 and according to which his date of birth is 1969 and further narrated the same story as in

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the plaint. Further, Gul Rangeen, the villager of the plaintiff appeared as PW-3, who produced his own CNIC which is Ex. PW-3/1. And further narrated the same story as in the plaint. All witnesses have been cross examined but nothing solid has been extracted out of them during cross examination.

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 according to this the date of birth of the plaintiff is 10-07-1972 but admitted in his cross examination that it is correct that it is not possible to have a difference of 12 years in the dates of birth of the father and his 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 his elder son, bearing the date of birth of the plaintiff is 10-07-1972 while that of his son, as 14-04-1984, meaning thereby that there is a un-natural difference of 12 years in the dates of birth of the plaintiff and his elder son namely Muhammad Sadiq which is not possible and naturally to have a son in the age of 12 years. Thus, in the light of the aforesaid findings, the issue is decided in positive.


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Issue No. 01 &05:

Both these issues are interlinked, hence, taken together for discussion. As sequel to my findings on issue No. 4, 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 his correct date of birth i.e. 1962.

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


Announced
07/11/2019


(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)