

**IN THE COURT OF MUHAMMAD AYAZ KHAN,**  
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

**Order**  
12/11/2019

Plaintiff present. Attorney of the defendant present. Vide my detailed separate judgement of today, consists of 06 (six) pages, suit of the plaintiff is hereby decreed as prayed for. No order as to cost.

Case file be consigned to record room.

**Announced**  
12/11/2019



**(Muhammad Ayaz Khan),**  
Senior Civil Judge,  
Orakzai at Baber Mela

**DECREE SHEET**

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**In the court of Muhammad Ayaz Khan, Senior Civil Judge/JM, Orakzai at Baber Mela**

Civil Suit No. 154/1 of 2019  
Date of Institution: 02/09/2019  
Date of Decision: 12/11/2019

**Sabila Jan w/o Syed Ali Shah**

**(Plaintiff)**

**Vs**

**Registrar, General NADRA, Islamabad.  
Deputy, Registrar General NADRA KPK Peshawar.  
Assistant Registrar General, NADRA District Orakzai.**

**(Defendants)**

**SUIT FOR DECLARATION AND PERMANENT INJUNCTION**


**Judgement**

Plaintiff Mst Sabila Jan has submitted the instant suit for Declaration and permanent injunction against the defendants, stated that her correct date of birth is **1955** while it has been wrongly entered as **1975** by the defendants, which is unnatural as the difference between the age of the plaintiff and her elder daughter is **05 years**, which is against the natural gape. Hence, this creates irreparable loss for the plaintiff, the defendant is directed to correct the necessary.

**Order**

**12/11/2019**

Vide my detailed separate judgement of today i.e 12/11/2019, consist of **06** pages, suit of the plaintiff is hereby decreed as prayed for and defendants are directed to correct the date of birth of the plaintiff as **1955** forthwith. No order as to costs.



**(Muhammad Ayaz Khan)**  
Senior Civil Judge/JM  
Orakzai at Baber Mela

**IN THE COURT OF MUHAMMAD AYAZ KHAN,**  
**SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA**

(4)

Civil Suit No. 154/1 of 2019  
 Date of Institution: 02/09/2019  
 Date of Decision: 12/11/2019

**Sabila Jan w/o Syed Ali Shah**

Resident of Village Satar Kale, PO Ghiljo, Tehsil upper Orakzai & District  
 Orakzai..... (Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA KPK Peshawar.**
3. **Assistant Director, NADRA District Orakzai.**

(Defendants)

**SUIT FOR DECLARATION & PERMANENT INJUNCTION**

**JUDGEMENT:**

1. Plaintiff, **Sabeela Jan**, has brought the instant suit for declaration-cum-permanent injunction against the defendants, referred hereinabove, seeking declaration therein that her correct date of birth is **1955** while it has been wrongly mentioned as **1975** by the defendants, which is unnatural as the difference between the age of the plaintiff and her elder daughter namely Raheela is **05 years**, which is against the **natural gape**. Hence, the instant suit.
2. Defendants were summoned, who appeared through attorney namely **Syed Farhat Abbas** and submitted written statement, which is placed on file.

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

  
 MUHAMMAD AYAZ  
 Senior Civil Judge,  
 Orakzai at Hang

Issues:

1. Whether the plaintiff has got any cause of action?
2. Whether suit of the plaintiff is within time?
3. Whether the correct date of birth of the plaintiff is 1955, while the date 1975 as mentioned in CNIC of the plaintiff is incorrect.
4. Whether the plaintiff is entitled to the decree as prayed for?
5. Relief.

3. Parties were directed to produce evidence of their own choice, which they did. Plaintiff produced three (03) witnesses.

4. PW-1, Nazool Khan, who is the son and attorney of the plaintiff.

He produced and exhibited copy of the plaintiff CNIC as Ex.

PW-1/1, power of attorney as Ex. PW-1/2 and copy of his CNIC

as Ex. PW-1/3. He stated that the correct date of birth of the

plaintiff is 1955 while it has been wrongly mentioned as 1975 by

the defendants, which is unnatural as the difference between the

age of the plaintiff and her elder daughter namely Raheela Jan is

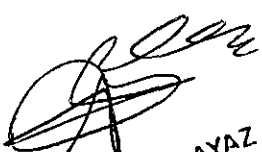
05 years, her CNIC is exhibited as Ex. PW-1/4, and age

difference with her another daughter namely Sawamila Jan is 03


years which is against the **natural gape**. He requested for decree

as the plaintiff has prayed for. He is cross examined by the

attorney of the defendants.

  
 MUHAMMAD AYAZ  
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5. PW-2, Amjad Khan, is relative of the plaintiff, who appeared and recorded his statement. He produced and exhibited copy of his CNIC as Ex. PW-2/1. He supported the contention of the plaintiff. He is cross examined by the defendants.
6. PW-3, Saif Ullah Khan, is nephew of the plaintiff, who appeared and recorded his statement. He stated that the correct date of birth of the plaintiff is **1955**, and the date entered as 1975 by the defendant is incorrect and against the facts, as the unnatural age gapes with her 02 daughters. He produced and exhibited copy of his CNIC as Ex. PW-3/1. He is cross examined by the defendants
7. In rebuttal defendants produced an examined sole witness namely Syed Farhat Abbas, representative, as DW-1 and recorded his statement as DW-1. He is cross examined by the plaintiff.

  
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Senior Civil Judge,  
District Court, Hangu

After conclusion of the evidence arguments pro and contra heard. Case file is gone through.

9. My issues wise findings are as under:

**Issue No. 02:**

The instant suit is for declaration and the limitation for the instant suit is 06 years. As per the available record, suit of the plaintiff is within time. Onus of proof was upon the defendants to establish that suit is barred by time. However, nothing is produced by the defendants in this regard and the onus has not

been discharged by the defendants. Resultantly, the issues in hand is decided in negative.

10. **Issue No.03:**

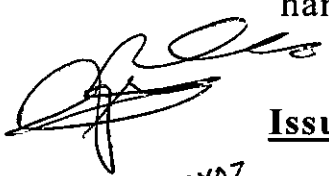
Perusal of record reveals that correct date of birth of the plaintiff is **1955**, which is evident from the evidence of the plaintiff. Further, if we presume **1975** the real date of birth of the plaintiff, then, only 05 years of difference exists between her and her elder daughter namely Raheela, and 03 years of difference with her another daughter namely Sawamila, which is unnatural and not appealable to any prudent mind. Even as per present CNIC of the plaintiff, the age of plaintiff at the time of birth of her first daughter is 05 years, which is not possible and against the law of nature and society. This factum is admitted by the attorney of the defendants at the time of arguments. Facts admitted need not to be proved as per article 113 of Qanun-e-Shahadat. Even otherwise, it is the fundamental right of the plaintiff to correct her date of birth in the CNIC, which cannot be denied to her. Moreover, it is even in the interest of NADRA to have correct database of the citizens of Pakistan including the present plaintiff. If the date of birth of the plaintiff is not corrected, it would serve no purpose. In addition to, there is no legal bar on such correction and if the date of birth is corrected it would not affect the right of any third person. Even

  
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otherwise, the same is not rebutted by any documents by the defendants. Nothing is produced in rebuttal by the defendants.

Interestingly, in present case plaintiff sought increase in her date of birth instead of decrease, so, this factor cannot be ignored while deciding the case. It shows the bonafide intention of the plaintiff.

If this unnatural gape is not corrected, it will create problems for the plaintiff and her son in future. In circumstances, the claim of the plaintiff, as mentioned above, is proved through cogent and reliable evidence. Hence, the issue in hand is decided in affirmative.



**Issue No. 01 & 04:**

Both issues are taken together. For what has been held in issue No. 3, this court is of the opinion that plaintiff has got cause of action and she is entitled to the decree as prayed for.

The issues are decided in affirmative.

**Relief:**

Consequently, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct her date of birth as **1955** forthwith.

11. Parties are left to bear their own costs.
12. File be consigned to the record room after its completion.

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Senior Civil Judge,  
Orakzai District  
Hangu

**Announced**

12/11/2019



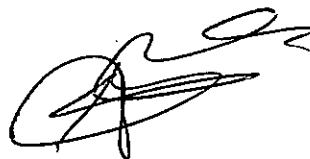
**(Muhammad Ayaz Khan)**

Senior Civil Judge,  
Orakzai at Baber Mela

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**CERTIFICATE**

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



**(MUHAMMAD AYAZ KHAN)**

Senior Civil Judge,  
Orakzai (at Baber Mela).