

DECREE SHEET

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

Civil Suit No. 169/1 of 2019  
Date of Institution: 12/09/2019  
Date of Decision: 28/11/2019

**Ayoub Khan d/o Said Hakim**

**(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 **Ayoub Khan** has submitted the instant suit for Declaration and permanent injunction against the defendants, stated that his correct date of birth is **10.08.2005** and correct father's name is **Said Hakim**, while it has been wrongly entered as **10.08.2016** and father's name as **Abdul Hamid** by the defendants, which are incorrect and against the facts, so, liable to be corrected. Hence, this creates irreparable loss for the plaintiff, the defendant is directed to correct the necessary.

Order

28/11/2019

Vide my detailed separate judgement of today 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 **10.08.2005** and father's name as **Said Hakim** forthwith. No order as to costs.



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

(4)

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

Civil Suit No. 169/1 of 2019  
Date of Institution: 12/09/2019  
Date of Decision: 28/11/2019

**Ayoub Khan s/o Said Hakim**

Resident of Village Khadi Zai, PO Ghiljo, Tehsil Upper & District Orakzai.....  
(Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Registrar, General NADRA Islamabad.**
3. **District Registration NADRA District Orakzai.**

(Defendants)

**SUIT FOR DECLARATION & PERMANENT INJUNCTION**

**JUDGEMENT:**

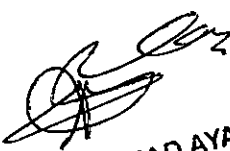
Plaintiff, **Ayoub Khan s/o Said Hakim**, has brought the instant suit for declaration-cum-permanent injunction against the defendants, referred hereinabove, seeking declaration therein that his correct date of birth is **10.08.2005** and correct father name is **Said Hakim**, while it has been wrongly mentioned, date of birth as **10.08.2006** and father name as **Abdul Hameed** by the defendants, which is incorrect and liable to be corrected. Hence, the present suit.

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;

**Issues:**

1. Whether plaintiff has got cause of action.

  
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2. Whether suit of plaintiff is within time.
3. Whether the correct name of the father of the plaintiff is Said Hakim while it has been wrongly entered in his CNIC as Abdul Hakim and the correct date of birth of the plaintiff is 10.08.2005 while it has been wrongly entered in the CNIC as 10.08.2006.
4. Plaintiff is entitled to the decree as prayed for.
5. Relief.
6. Parties were directed to produce evidence of their own choice, which they did. Plaintiff produced three (03) witnesses including himself.
7. PW-1, Ayub Khan, is the plaintiff himself, who recorded his statement. He stated that correct name of his father is Said Hakim, which is wrongly mentioned in his CNIC as Abdul Hamid. Secondly, his correct date of birth is 10.08.2005 while it has been wrongly mentioned in his CNIC as 10.08.2006 by the defendants. He produced the original CNICs and exhibited the copy of his CNIC as Ex.PW-1/1, Domicile certificate as Ex. PW-1/2, copy of the CNIC of his brother namely Muhammad Zubair as Ex. PW-1/3, copy of CNIC of another brother namely Ijaz Khan as Ex.PW-1/4, copy of CNIC of his mother as Ex.PW-1/5, copy of CNIC of his father Ex.PW-1/6 and copy of school certificate as Ex.PW-1/7. He requested for grant of decree as prayed for. He was cross examined by the defendants.
8. PW-2, Akhtar Gul, is cousin of the plaintiff. He stated that the correct name of the father of the plaintiff is Said Hakim and his correct date of birth is 10.08.2005. He exhibited copy of his


  
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CNIC as Ex. PW-2/1. He is cross examined by the defendants through attorney.

9. PW-3, Hanif Ullah, is relative of the plaintiff. He supported the contention of the plaintiff. He exhibited copy of his CNIC as Ex. PW-3/1. He is cross examined by the defendants through attorney.

10. In rebuttal defendants produced an examined sole witness namely Syed Farhat Abbas, representative, as DW-1 and recorded his statement as DW-1. He produced the registration form of the plaintiff and exhibited the same as Ex. DW-1/1, family tree of Abdul Hamid as Ex. DW-1/2 and family tree of

Said Hakim as Ex. DW-1/3. He is cross examined by the plaintiff.

  
 MUHAMMAD AYAZ  
 Senior Civil Judge,  
 Orakzai District

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

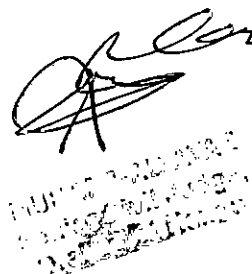
12. My issues wise findings are as under:

**Issue No. 02:**

13. 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.

**Issue No.03:**

Perusal of record and evidence present on file reveals that correct date of birth of the plaintiff is **10.08.2005** and correct father's name of the plaintiff is **Said Hakim**, which is evident not only from the CNICs of the siblings of the plaintiff, which are already as Ex.PW-1/3 and Ex.PW-1/4, but also from the school record, Ex.PW-1/7. It is settled law that whenever there is clash between the CNIC and school certificates, in respect of date of birth and parents name, the school certificate shall prevail. In present case, as per Ex. PW-1/7, the correct date of the birth of the plaintiff is **10.08.2005**, which is not even objected by the defendants in the evidence. Interestingly, the same factum is even proved through the CNICs of the siblings of the plaintiff, already exhibited. Nothing is produced by the defendants to rebut the said document. 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 otherwise, the same is not rebutted by any documents by the



defendants, hence, the said document is admissible in evidence, which is relied upon in present circumstances. Nothing is produced in rebuttal by the defendants. Hence, the said document is admissible in evidence, which is relied upon in present circumstances. Nothing is produced in rebuttal by the defendants.

Hence, the issue in hand is decided in affirmative.

**Issue No.1&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 he is entitled to the decree as prayed for.

The issues are decided in positive.

**Relief:**

Consequently, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct their record and issue CNIC to the plaintiff with correct name of his father as **Said Hakim** and correct the date of birth as **10.08.2005**. Parties are left to bear their own costs.

14. File be consigned to the record room after its completion.

**Announced**  
28/11/2019



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

**CERTIFICATE**

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



**(MUHAMMAD AYAZ KHAN)**  
Senior Civil Judge,  
Orakzai (at Baber Mela).