

IN THE COURT OF ASGHAR SHAH
DISTRICT JUDGE, ORAKZAI (AT BABER MELA)

CIVIL APPEAL NO. : 10/13 OF 2021
DATE OF INSTITUTION : 11.01.2021
DATE OF DECISION : 18.01.2021

ABDUL KARIM S/O NAZEER SHAH, TAPA HAIDER KHEL, PO BOX
RAISAN, TEHSIL LOWER, DISTRICT ORAKZAI

.....(APPELLANT)

-VERSUS-

CHAIRMAN NADRA ISLAMABAD AND TWO OTHERS

.....(RESPONDENTS)


Present: Abid Ali Advocate for appellant.
: Syed Farhat Abbas, representative of respondents

JUDGEMENT

18.01.2021

In the suit before the trial court, appellant/plaintiff, a police official claimed the correction of his date of birth from 1955 to 1967 in the record of the respondent. The learned trial court after full trial dismissed the suit vide impugned judgement and decree dated 09.12.2020, hence the appeal in hand.

2. Arguments heard and record perused.
3. From the arguments and record available on file, it reveals that as per record produced in the trial court, the appellant/plaintiff is police official and a civil servant. The requested correction in the date of birth of the appellant/plaintiff is part and parcel of the terms and conditions of the civil servants for which the proper forum is the service tribunal. As such, the



(ASGHAR SHAH)
District Judge, Orakzai
at Baber Mela

appellant/plaintiff has wrongly approached the civil court for the subject claim.

4. On merits, appellant/plaintiff in support of his claim produced medical certificate Ex. PW 3/2, appointment order Ex. PW 3/3 and extract from the service record Ex. PW 3/1. However, the medical certificate prepared in the year 1994 having no report of the radiologist for determination of the age besides in the date of birth column of the said medical certificate, the year 1967 was entered by the appellant/plaintiff himself and same is the case with his appointment order and service record wherein entries of his year of birth was entered upon his submissions. The record produced by the NADRA authorities is showing that as per Ex. DW 1/1 the computerized identity card was issued to him in year 2006 and in the said record too, the year of birth of the appellant/plaintiff is entered as 1955. Thus, no evidence is available to support the stance of the appellant/plaintiff rather the evidence produced negates his version. Most importantly, the period of limitation under article 120 of the Limitation Act for such like suits is 06 years from the date when such right is denied. In the instant case, the cause of action accrued to the appellant/plaintiff in year 1994 at the time of his appointment and thereafter in the year 2006 at the time of making computerized identity card. The appellant/plaintiff approached the trial court in the year 2020 i.e., after 26 years of his appointment and 14 years after making computerized CNIC.




(ASGHAR SHAH)
District Judge, Orakzai
at Baber Mela

Moreover, for employed persons, the period of limitation is two years from joining the service. As such, the suit of the appellant/plaintiff is badly time-barred and rightly dismissed by the learned trial court.

5. In the light of above, no misreading or non-reading of evidence or any other legal infirmity on the part of trial court was pointed out to justify the interference of the present court therein. Accordingly, the impugned judgement and decree of the trail court alongwith findings on the suit issues are upheld and the appeal in hand resultantly stand dismissed being meritless. No order as to cost. File of the trial court be retuned while file of this court be consigned to Record Room after its completion and compilation.

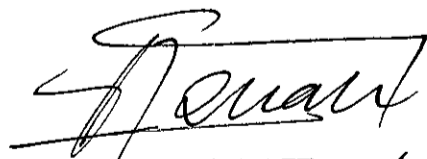
Announced
18.01.2021


(ASGHAR SHAH)
District Judge, Orakzai
at Baber Mela

CERTIFICATE

Certified that this judgment consists of three (03) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 18.01.2021


(ASGHAR SHAH)
District Judge, Orakzai
at Baber Mela