

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

CIVIL APPEAL NO. : 12/13 OF 2021  
DATE OF INSTITUTION : 18.01.2021  
DATE OF DECISION : 02.02.2021

CHAIRMAN NADRA ISLAMABAD AND TWO OTHERS

.....(APPELLANTS)

-VERSUS-

KHAN HAIDER S/O ALI ASGHAR, R/O CASTE SHEIKHAN, TAPA  
UMARZAI PO BOX TEHSIL ISMAILZAI, DISTRICT ORAKZAI


..... (RESPONDENT)

**Present:** Syed Farhat Abbas, representative of appellants  
: Abid Ali Advocate for respondent

JUDGEMENT  
02.02.2021

In the suit before the trial court, respondent/plaintiff, a watchman of the education department claimed the correction of his date of birth from 1977 to 1964 in the record of the defendants/appellants (NADRA). The learned trial court after full trial decreed the suit in favour of respondent/plaintiff vide impugned judgement and decree dated 22.12.2020, hence aggrieved from the same appellant/defendants preferred 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 respondent/plaintiff is watchman in the education department and a civil servant as such. The requested correction in the date of birth of the respondent/plaintiff is part and parcel of the terms and conditions of the civil servants for which the proper forum is the service tribunal. Reliance is placed upon

  
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case reported in 2004 PLC (CS) page 1162. As such, the respondent/plaintiff has wrongly approached the civil court for the subject claim.

4. On merits, respondent/plaintiff in support of his claim produced appointment order Ex. PW 4/1, medical certificate Ex. PW 4/2, and extract from the service record Ex. PW 3/1. However, the medical certificate prepared in the year 1989 having no report of the radiologist for determination of the age besides in the date of birth column of the said medical certificate, the age 25 years was entered by the respondent/plaintiff himself. The record produced by the NADRA authorities is showing that as per Ex. DW 1/3 (application for applying to obtain manual ID card), manual identity card was issued to the respondent/plaintiff in year 1996 wherein he has himself entered his year of birth as 1977 besides in the year 2004 and 2016 computerized CNIC were issued to him with the same year of birth. More interestingly the NADRA authorities produced copy of CNIC no. 21601-5279982-4 of Mst. Noor Jahan Bibi, the mother of respondent/plaintiff showing her date of birth as 01.01.1960. Thus, when the mother of plaintiff took birth on 01.01.1960, how can the respondent/plaintiff claim his date of birth as 1964. Moreover, no reply was furnished with regard to the entries of 1977 made by the respondent/plaintiff for obtaining his CNICs in the year 1996, 2004 and 2016 respectively. The cause of action accrued to the plaintiff in the year 1996 but he failed to avail the said opportunity as such the suit instituted in the year 2020 after 24 years is hopelessly time-barred under article 120 of The Limitation Act which provides period of 06 years for institution of such like suits. Thus, no evidence was available

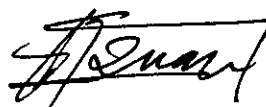


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to support the stance of the respondent/plaintiff rather the evidence produced negated his version, hence decree in his favour was out of question.

5. In the light of above, it is held that the learned trial court was not properly assisted otherwise the findings would not have been such as are at present. Therefore, the appeal in hand is accepted, impugned judgement and decree of the trial court alongwith findings on the suit issues are set aside and case of the respondent/plaintiff resultantly stand dismissed with cost throughout. File of the trial court be returned while file of this court be consigned to Record Room after its completion and compilation.

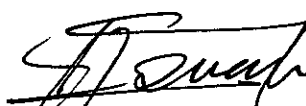
**Announced**  
02.02.2021

  
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**CERTIFICATE**

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

Dated: 02.02.2021

  
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