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

Civil Suit No. 124/1 of 2020  
Date of Institution: 13/10/2020  
Date of Decision: 30/01/2021

**1. Syed Munawar Ali Shah S/O Syed Bilal Hussain, Section Stori  
Khel, Tehsil Lower, District Orakzai.**

*(Plaintiff)*

**VERSUS**

1. **Chairman NADRA, Islamabad, Pakistan.**
2. **Director General NADRA, KPK, Peshawar.**
3. **Assistant Director, NADRA, District Orakzai.**  
**Through**  
**Assistant Director, NADRA, Orakzai. .... Defendants**
4. **The principal GHSS, Andhkel Orakzai....Proforma Defendant**

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

**JUDGEMENT:**

1. Plaintiff Syed Munawar Ali shah has brought the instant suit for declaration-cum-permanent injunction against defendants Chairman NADRA, Islamabad, Pakistan, Director General NADRA, Peshawar, KPK, through Assistant Director, District Orakzai seeking therein that correct date of birth of the plaintiff is 12.12.2003 according to his school record, whereas, defendants have wrongly entered the same as 18.01.1991 in the CNIC No. 216033-578138-9 instead of 12.12.2003 which is wrong and ineffective upon the rights of the plaintiff and is liable to correction. That the defendants were asked time and again

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*Rehmat Ullah Wazir*  
*Civil Judge-I*  
*Orakzai at Baber Melā*

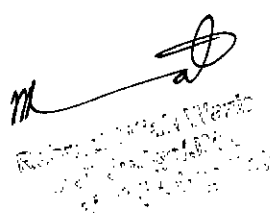
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for correction of date of birth of the plaintiff but they refused to do so, hence the present suit;

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 cause of action?*
2. *Whether the plaintiff is estopped to sue?*
3. *Whether the suit of the plaintiff is within time?*
4. *Whether the correct date of birth of the plaintiff as per his SSC (Matric) DMC is 12.12.2003 while is has been wrongly entered in his CNIC as 18.01.1991 by the defendants ?*
5. *Whether the plaintiff is entitled to the decree as prayed for?*
6. *Relief?*

 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.

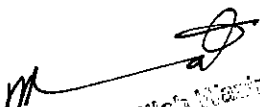
**Issue No. 03:**

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 but the aforesaid Limitation Act, 1908 is extended to the erstwhile FATA on 31/05/2018 through the 25th constitutional amendment and the same has become operational from the aforesaid date while the instant suit has been filed on 13/10/2020. Thus, the same is well within time. The issue is decided in positive.

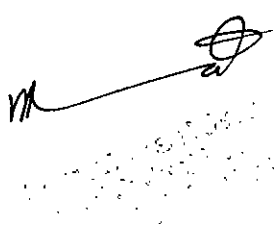
**Issue No. 04:**

4. The plaintiff alleged in his plaint that correct date of birth of the plaintiff is 12.12.2003 according to his school record, whereas, defendants have wrongly entered the same as 18.01.1991 in the CNIC No. 216033-578138-9 instead of 12.12.2003 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;

The plaintiff produced witnesses in whom the Salam Ali, SET, GHSS Andkhel, Orakzai appeared as PW-1, Who produced the

  
 Referee Ullah Khan  
 Civil Judge (J) Orakzai  
 Orakzai (FATA)

admission and withdrawal register of his school, according to which on serial No-1062, the name of the plaintiff is entered along with his date of birth as 12-12-2003, the copy of which is Ex-PW 1/1. Further produced the provisional certificate of the plaintiff which is Ex-PW ½ and according to which the date of birth of the plaintiff which is 12-12-2003. Further, the plaintiff himself appeared as PW-2, who produced his DMC which is Ex-PW 2/1 and according to which his date of birth is 12-12-2003, Further produced his Ninth DMC which is Ex-PW 2/2 and according to which his date of birth is 12-12-2003, Further produced his CNIC as Ex-PW 2/3 according to which his date of birth is 18-01-1991. Further, Mr.Syed Khadim Hussain appeared as PW-3, who fully supported the stance of the plaintiff.

 In order to counter the claim of the plaintiff, the defendants produced only one witness, as Mr. Syed Farhat Abbas, the representative of the defendants appeared as DW-1, who produced the CNIC processing detail form as Ex-DW 1/1, Family tree of the plaintiff as Ex-DW ½, Form A of the plaintiff as Ex-DW 1/3.

Arguments heard and record perused.

After hearing of arguments and perusal of record I am of the opinion that the plaintiff mainly rely on his school record

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and school certificates which are earlier in time and bear the presumption of truth unless rebutted. Thus, the plaintiff established his claim through cogent and reliable evidence, therefore, the issue is decided in positive.

**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 negative.

**RELIEF:**

As sequel to my above issue wise findings, the suit of the plaintiff is hereby decreed as prayed for.

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

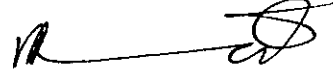
**Announced**  
30/01/2021

  
(Rehmat Ullah Wazir)  
Civil Judge-I,  
Orakzai at Baber Mela.

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**CERTIFICATE**

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



**(Rehmat Ullah Wazir)**  
Civil Judge-I,  
Orakzai at Baber Mela.