

**IN THE COURT OF ZAHIR KHAN**  
Civil Judge-I, Kalaya, Orakzai

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Suit No.....34/1 of 2023.

Date of Institution.....10.07.2023.

Date of Decision.....16.08.2023.

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Syed Shahab-ul-Hassan S/O Syed Raza Hussain R/O Qaum Bar  
Muhammad Khel, Tappa Baba Nawasi, village Tarangay, Tehsil  
Lower, District Orakzai.....*(Plaintiff)*

**Versus**

1. Chairman NADRA, Islamabad.
2. Director General NADRA, Khyber Pakhtunkhwa.
3. Assistant Director NADRA, District Orakzai.

..... *(Defendants)*

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**SUIT FOR DECLARATION & PERMANENT INJUNCTION**

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**JUDGEMENT**

16.08.2023

Through this judgement, I am going to dispose of the instant suit filed by plaintiff namely Syed Shahab-ul-Hassan against defendant Chairman NADRA, Islamabad and two others for declaration and permanent injunction.

Brief facts in the backdrop are that plaintiff has filed the instant suit for declaration cum-permanent injunction to the effect that, plaintiff and his sister namely Syeda Bibi Sher Banu Jan are twins by birth and true and correct date of birth of plaintiff is 01.01.1976. That date of birth of Syeda Bibi Sher Banu Jan has been correctly recorded

  
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as 01.01.1976, while, date of birth of plaintiff has been wrongly recorded as 1964 in the record of defendants. That due to this wrong entry, there is unnatural age difference of about 06 years between plaintiff and his deceased father whose date of birth, as per CNIC, is 1958. That defendants were asked time and again to rectify/modify date of birth of plaintiff but in vain hence, the present suit.

After institution of the suit, defendants were summoned, who marked their attendance through representative and contested the suit by filing authority letter and written statement.

From divergent pleadings of the parties, the following issues were framed for adjudication of real controversy between the parties. The controversial pleadings of the parties were reduced into the following issues:

**ISSUES**

1. Whether plaintiff has got cause of action? OPP
2. Whether suit of plaintiff is within time?
3. Whether correct date of birth of plaintiff is 01.01.1976 and defendants have entered the same as 1964? OPP
4. Whether plaintiff is entitled to the decree as prayed for? OPP
5. Relief.

  
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Upon submission of list of witnesses, both the parties on being provided with an opportunity to adduce their desired evidence, the parties produced their respective evidence.

After the completion of evidence, arguments of the learned counsel for the parties were heard and record of the case file was gone through with their valuable assistance.

Plaintiff produced one witness in support of his claim while defendants produced one witness in defense.


Plaintiff, Syed Shahab-Ul-Hassan himself appeared and deposed as PW-01. He reiterated the averments of plaint. Copy of his CNIC is Ex.PW-1/1, copy of CNIC of his father is Ex. PW-1/2, copy of CNIC of his mother is Ex. PW-1/3 and copy of CNIC of his sister Syeda Bibi Sher Banu Jan is Ex.PW-1/4.

Thereafter, evidence of plaintiff was closed.

Irfan Hussain (Legal representative of NADRA, Orakzai) appeared as DW-01. He produced Family Tree of plaintiff (consisting of 02 sheets) which is Ex. DW-1/1. He stated that plaintiff has been issued CNIC as per information provided by him and that he has got no cause of action.

Thereafter, evidence of defendants was closed.

The above discussion boils down to my following issue-wise findings.



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**ISSUE NO.2**

Plaintiff has been issued CNIC on 04.01.2019 with expiry date as 04.01.2029 while suit in hand was filed on 10.07.2023. As period of limitation under Article 120 of Limitation Act is six years, therefore, suit of plaintiff is held to be within time. Issue No. 2 decided in positive.

**ISSUE NO.3**

As mentioned above, claim and contention of plaintiff is that his true and correct date of birth is 01.01.1976, however, defendants have incorrectly entered the same as 1964 which is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. It is also claimed that he and his sister namely Syeda Bibi Sher Banu Jan are twins by birth. It is also averred that there is un-natural age difference of about 06 years with father. Burdon of proof was on plaintiff to establish that his true and correct date of birth is 01.01.1976 instead of 1964 and he and his sister named above are twins by birth. Plaintiff is alleging unrealistic age difference with his father namely Syed Raza Hussain. Per Ex. PW-1/2, date of birth of father of plaintiff is recorded as 1958 while date of birth of plaintiff per Ex. PW-1/1 is recorded as 1964. Admittedly, there is un-natural age difference of about 06 years between plaintiff and his father but plaintiff failed to produce a single documentary proof which could show that his true and correct date of birth is 01.01.1976. No age assessment certificate/medical document is

  
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produced by plaintiff in support of his claim. Oral evidence produced by plaintiff is also insufficient to prove the stance of plaintiff. Mother of plaintiff is alive but neither she nor his sisters and brothers were produced as witness before the court. None from the family members and relatives produced before the court as witness. As per Ex. DW-1/1, plaintiff has been issued CNIC on the basis of information provided by him. Plaintiff received CNIC from defendants without any objection on his date of birth. Furthermore, plaintiff is a passport holder and has travelled abroad but neither this fact is mentioned in the plaint nor DG/AD passport is arrayed as party to the suit. Plaintiff has concealed necessary facts from the court. Plaintiff has not come to the court with clean hands.

Keeping in view the above discussion, documentary as well as oral evidence available on file, issue No. 3 is decided in negative and against the plaintiff.

#### ISSUE NO.1 & 4.

In the light of foregoing discussion, it is held that plaintiff failed to prove his claim through cogent, convincing and reliable documentary and oral evidence; therefore, he has got no cause of action and he is not entitled to the decree, as prayed for. Both these issues are decided in negative and against the plaintiff.

As far as un-natural age difference with parents is concerned, legal representative of defendants clarified that plaintiff may approach



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the authorities concerned for redressal of his grievances by submitting Affidavit-C.

**RELIEF.**

Crux of my issue wise discussion is that as plaintiff failed to prove his claim through cogent, convincing and reliable documentary and oral evidence, therefore, suit of the plaintiff is hereby dismissed. No order as to cost.

File be consigned to record room after its necessary completion and compilation.

**ANNOUNCED**  
16.08.2023



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**CERTIFICATE**

It is certified that this judgment consists of 06 pages. Each page has been dictated, read, corrected and signed by me.



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