

**IN THE COURT OF FARMAN ULLAH,**  
**SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA**

Civil Suit No. 191/1 of 2019  
Date of Institution: 16/10/2019  
Date of Decision: 15/03/2021

**Syed Khalid Syed s/o Muhammad Hasnain**  
Section Saidan, Tapa Kalaya, Tehsil Lower District Orakzai  
(Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA Hayatabad KP.**
3. **Assistant Director, Registration NADRA District Orakzai.**

(Defendants)

**SUIT FOR DECLARATION, PERMANENT & MANDATORY INJUNCTION**

**JUDGEMENT:**

**15.03.2021**

Brief facts of case in hand are that the plaintiff, **Syed Khalid Syed s/o Muhammad Hasnain**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that his correct date of birth as per his school record is **20.05.1986** while defendants have wrongly mentioned the same in their record as **20.05.1978**, which is incorrect and liable to be corrected. That he repeatedly asked defendants to correct his date of birth by issuing CNIC but they refused. Hence, the present suit.

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**FARMANULLAH**  
Senior Civil Judge  
Orakzai at Baber Mela

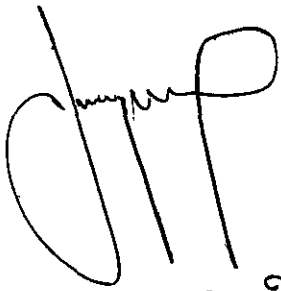
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Defendants were summoned, who appeared through attorney namely Syed Farhat Abbas and submitted written statement, wherein they contested the suit of plaintiff on various grounds.

Divergent pleadings of the parties were reduced into the following issues;

**Issues:**

1. Whether plaintiff has got cause of action?
2. Whether suit of plaintiff is within time?
3. Whether the correct date of birth of the plaintiff is "20.05.1986" while defendants have wrongly mentioned the same as 20.05.1978 in his CNIC?
4. Whether plaintiff is entitled to the decree as prayed for?
5. Relief.



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- Parties were provided opportunity to produce evidence in support of their respective contention, which they did. Plaintiff produced his witnesses as PW-1 to PW-04.
7. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the CNIC processing form of plaintiff and family tree as Ex. DW-1/1 and Ex. DW-1/2.
  8. After conclusion of the evidence arguments pro and contra heard. Case file is gone through.
  9. My issues wise findings are as under:

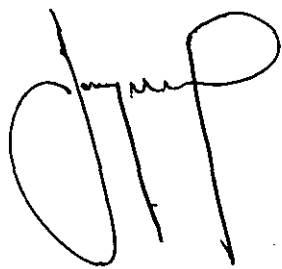
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**Issue No.03:**

Plaintiff contended in his plaint that his correct date of birth as per school record is **20.05.1986** but defendants have wrongly recorded the same as **20.05.1978** in their record. Hence, the record is liable to be corrected.

Plaintiff in support of his contention has appeared as

PW-1 and he repeated the contents of plaint in his examination in chief. He also produced his school leaving certificate as Ex.PW-1/3. During cross examination stated that manual ID Card was issued to him, however, he lost the same while PW-02 to PW-04 stated in their examination in chief that correct date of birth of plaintiff as per his school record is 20-05-1986 but defendants have wrongly recorded the same in the CNIC of plaintiff as 20-05-1978.



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On other hand DW-01 produced the CNIC processing form and family tree of plaintiff as Ex.DW-1/1 and Ex.DW-1/2 in his examination in chief and also stated that CNIC was issued to the plaintiff for a first time in year 2002.

From the analysis of available record, it is evident that the entire claim of plaintiff regarding his date of birth is based on his school record. Similarly, the statements of PWs are also confined to the school record of plaintiff as all the PWs stated that correct date of birth of plaintiff as per school record is

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20-05-1986. Though plaintiff appearing as PW-01 produced and exhibited his school leaving certificate as Ex.PW-1/3 and as per which the date of birth of plaintiff has been entered as 20-05-1986 yet record shows that plaintiff along with the plaint has submitted two school leaving certificates allegedly issued by the GHSS Kalaya District Orakzai and in both certificates admission Number has been mentioned as 823 while date of admission in the school is 15-04-1992 but according to one certificate Ex.PW-1/3, plaintiff remained the student of school from 15-04-1992 to 31-03-2001 while according to another certificate he remained student from 15-04-1992 to 31-03-1997. Such a difference regarding the duration of study of the plaintiff in the school makes the authenticity of Ex.PW-1/3 doubtful and the same cannot be considered as an authentic piece of document. Moreover, plaintiff neither produced the record keeper of school regarding Ex.PW-1/3 nor register of admission and withdrawal of school. Such omission on part of plaintiff put further question of authenticity of Ex.PW-1/3. Furthermore, plaintiff admitted during cross examination that prior to issuance of CNIC, a manual ID Card was also issued to him. As plaintiff himself admits that manual ID card was issued to him, which means that such a manual card was issued to him prior to the year 2000 as NADRA was established in the year 2000 and

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prior to that manual ID cards were being issued to the citizens of Pakistan. Plaintiff in instant suit alleges that his correct date of birth is 20-05-1986. If the date of birth of plaintiff was of year 1986, then how he applied for manual ID card prior to the year 2000 at the age of less than 14 years? Issuance of manual ID card to the plaintiff before the year 2000 itself suggests that at the time of obtaining the manual ID card, plaintiff was a major person and this fact alone negates the contention of plaintiff regarding of his date of birth as 20-05-1986.

So, the available record does not establish that the correct date of birth of plaintiff is 20-05-1986. Hence, the issue is decided in negative.

  
**Issue No. 02:**

From the available record produced by the DW-01 as Ex.DW- 1/1 it is evident that CNIC for the first time was issued to the plaintiff in year 2002 and in which the date of birth of plaintiff was incorporated as 20-05-1978, which was renewed in a year 2017 but the plaintiff has challenged his date of birth recorded in his CNIC through instance suit in a year 2019. Period provided for filing of suit for declaration under Article 120 of Limitation Act is 06 years while plaintiff has filed instant suit after the laps of that time. Hence, the suit of plaintiff is also time barred. Issue is decided in negative.

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**Issue No. 01 & 04:**

These issues are taken together. For what has been held in issue No. 2 and 3, this court is of the opinion that plaintiff has got neither cause of action nor he is entitled to the decree as prayed for.

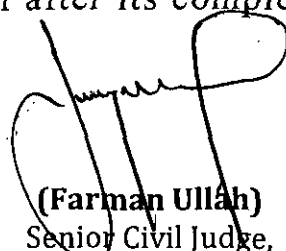
Both the issues are decided in negative.

**Relief:**

As sequel to above discussion, it is held that plaintiff failed to prove his stance through cogent, reliable and confidence inspiring evidence and suit of plaintiff is also time barred. Hence, the suit of plaintiff is dismissed. No order as to costs.

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

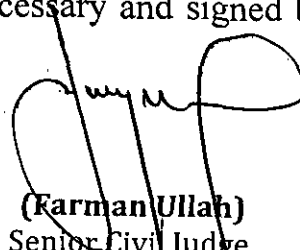
**Announced**  
15/03/2021

  
**(Farman Ullah)**  
Senior Civil Judge,  
Orakzai (at Baber Mela).

**FARMANULLAH**  
Senior Civil Judge  
Orakzai at Baber Mela

**CERTIFICATE**

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

  
**(Farman Ullah)**  
Senior Civil Judge,  
Orakzai (at Baber Mela).  
**FARMANULLAH**  
Senior Civil Judge  
Orakzai at Baber Mela