

**IN THE COURT OF ZAHIR KHAN**  
**CIVIL JUDGE-I, TEHSIL KALAYA, ORAKZAI**

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Suit No.....48/1 of 2023.

Date of Institution.....25.09.2023.

Date of Decision.....11.10.2023.

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Ajwali Khan S/O Wakeel Syed R/O Qaum Utman Khel, Tappa Fateh Khan  
 Khel, Tehsil Lower, District Orakzai.

.....(Plaintiff)

**VERSUS**

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

.....(Defendants)

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**SUIT FOR DECLARATION & PERMANENT INJUNCTION**

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**JUDGEMENT**

**11.10.2023**

Through this judgement, I am going to dispose of the instant suit filed by plaintiff namely Ajwali Khan against defendants Chairman NADRA, Islamabad and two others for declaration and permanent injunction.

Brief facts in the backdrop are that plaintiff has filed the instant suit against the defendants for declaration and permanent injunction to the effect that as per school record his correct date of birth is 10.01.1997, however, defendants have incorrectly entered the same as 01.01.1989 which is wrong, illegal and liable to be



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rectified. That defendants were asked time and again to rectify 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.


**ISSUES**

1. Whether plaintiff has got cause of action? OPP
2. Whether suit is within time? OPP
3. Whether correct date of birth of plaintiff is 10.01.1997 instead of 01.01.1989? OPP
4. Whether plaintiff is entitled to the decree as prayed for? OPP
5. Relief?

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.

During course of recording evidence, plaintiff produced two witnesses.

  
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Plaintiff himself appeared and deposed as PW-01. He reiterated the averments of plaint. He produced school birth certificate is Ex.PW-1/2. Copy of his CNIC is Ex. PW-1/1. He lastly requested for decree of suit in his favour.

Naeem-ul-Haq/record keeper of Shaheen Islamia School and College, Utman Khel, Orakzai appeared and deposed as PW-02. He produced admission and withdrawal register is Ex.PW-2/2. Copy of his CNIC is Ex. PW-2/1.

Thereafter, evidence of plaintiff was closed. Nothing contradictory could be brought on record from PWs.


Irfan Hussain (Representative of NADRA, Orakzai) appeared as DW-01. He produced family tree 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 and lastly requested for dismissal of suit. Thereafter, evidence of defendants was closed.

My issue wise findings are as under: -

**ISSUE NO.2:**

Plaintiff has been issued CNIC on **21.06.2023** with expiry date as 21.06.2033 while suit in hand was filed on **25.09.2023**. As period of limitation under Article 120 of Limitation Act for filing declaratory suit is six years, therefore, suit of plaintiff is within time. Issue No. 2 decided in positive.

**ISSUE NO.3:**

  
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Claim of plaintiff is that as per school record, his correct date of birth is 10.01.1997, however, defendants have incorrectly entered the same as 01.01.1989 which is wrong, illegal and liable to be rectified. Plaintiff produced documentary evidence in support of his claim in shape of school record as Ex. PW-1/2 (school birth certificate) and Ex.PW-2/2 (admission and withdrawal register) per which date of birth of plaintiff is recorded as 10.01.1997. Oral evidence is also supportive to the averments of plaintiff.

Keeping in view the above discussion and documentary as well as oral evidence available on file, it is held that correct date of birth of plaintiff is 10.01.1997 which is correctly recorded in his school record. Date of birth of plaintiff to be rectified/modified from *01.01.1989* to *10.01.1997*. Issue decided in favour of plaintiff and against the defendants.

**ISSUE NO.1 & 4.**

In the light of foregoing discussion, it is held that plaintiff has got cause of action and is entitled to the decree, as prayed for.

Both these issues are decided accordingly.

**RELIEF.**

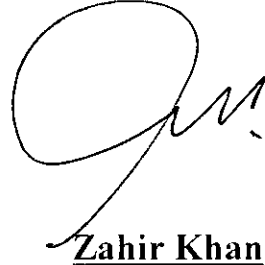
Crux of my issue wise discussion is that suit of plaintiff is hereby decreed in his favor against the defendants as prayed for. No order as to costs. This decree shall not affect the rights of any other person interested, if any or service record of plaintiff, if any.

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

**ANNOUNCED**  
**11.10.2023**



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**CERTIFICATE**

It is certified that this judgment consists of 05 pages. Each page has been dictated, read, corrected and signed by me.



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