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**IN THE COURT OF REHMAT ULLAH WAZIR,**  
**CIVIL JUDGE-I CAMP COURT KALAYA, ORAKZAI**

Civil Suit No. 306/1 of 2020  
Date of original Institution: 19/06/2020  
Date of Transfer in 21/06/2021  
Date of Decision: 21/06/2021

**Moeen Hassan S/O Faqeer Hassan, R/O Qoum Mani Khel,  
Tapa Ahmad Khel, PO Kalaya, Tehsil Lower, District  
Orakzai.**

*(Plaintiff)*

**VERSUS**

1. **Chairman NADRA, Islamabad, Pakistan.**
2. **Director General NADRA, KPK, Peshawar.**
3. **Assistant Director, NADRA, District Orakzai..... Defendants**

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

**JUDGEMENT:**

1. Plaintiff Moeen Hassan S/o Faqeer Hussain has brought the instant suit for declaration-cum-perpetual and mandatory injunction against defendants Chairman NADRA, Islamabad, Pakistan, Director General NADRA, Peshawar, KPK, seeking therein that correct date of birth of the plaintiff according to his service record and medical fitness certificate is 1970 while it has been wrongly entered as 1958 in his CNIC, 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;

  
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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 plaintiff is 1970 while defendants have erroneously recorded the same as 1958?
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 19/06/2020. Thus, the same is well within time. The issue is decided in positive.

**Issue No. 04:**

4. The plaintiff alleged in his plaint that his correct date of birth is 1970, according to Medical Fitness Certificate and Service Record, while it has been wrongly entered as 1958 in his CNIC, 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.

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5. The plaintiff produced witnesses in whom the plaintiff himself appeared as PW-1, who produced his CNIC, which is Ex-PW-1/1. Further that he was appointed as Constable in the Levy force on 11/12/1996 and that his date of birth in his appointment order is mentioned as 1970 while in his medical fitness certificate, his age is mentioned as 26 years and further narrated the same story in the plaint. Further Mr. Muhammad Hassan, the elder brother of the plaintiff appeared as PW-02, who also supported the stance of the plaintiff. Further Muhammad Shoaib, the record keeper,

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District Police Orakzai appeared as PW-03, who produced the service record of the plaintiff in the shape of service book which is Ex.PW-3/3 and medical fitness certificate which is Ex.PW-3/1 and the appointment order of the plaintiff which is Ex. PW-3/2, which all support the version of the plaintiff. All witnesses are cross examined but nothing tangible against the plaintiff have been extracted out of them during cross examination.

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 Form-A of the plaintiff which is Ex-DW-1/1, the manual NIC of the plaintiff which is Ex-DW-1/2, Family tree of the plaintiff which is Ex-DW-1/3. But he admitted in his cross examination that the exhibited documents are neither original nor attested one and that there is a difference in the names mentioned in the MNIC and CNIC.

Arguments heard and record perused.

After hearing of arguments and perusal of record I am of the opinion that the plaintiff established his case through oral and documentary evidence. Also, the evidence of the defendants could not rebut the claim of the plaintiff as the documents produced by DW-01 are admittedly neither original nor attested ones and also admittedly there is a difference of names in the MNIC and CNIC produced by the DW-01. Thus,

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in the light of the aforesaid finding the issue is decided in positive.

**Issue No. 01 &05:**

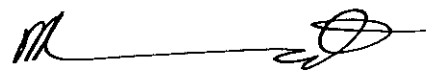
Both these issues are interlinked, hence, taken together for discussion. As sequel to my findings on issue No. 4, the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Both these issues are decided in positive.

**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**  
21/06/2021



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Camp Court Kalaya, Orakzai.  
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**CERTIFICATE**

Certified that this judgment of mine consists of six (05) pages, each has been checked, corrected where necessary and signed by me.



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Civil Judge-I,  
Camp Court Kalaya, Orakzai.  
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