

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

Civil Suit No.	39/1 of 2021
Date of Institution:	06/04/2021
Date of Decision:	23/11/2021

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**Karim Khan S/O Rashid Khan, R/O Qoum Mishti, Tappa Mamizai, Anjghalai, PO Mishti Mela, Tehsil Central, 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 Karim Khan S/O Rashid Khan 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 **01.07.1970**, according to service record while it has been wrongly entered as 1954 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 the plaintiff is 01.07.1970, according to service record whereas, defendants have wrongly entered the same as 1954 in his CNIC?
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 positive.

**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 06.04.2021. Thus, the same is well within time. The issue is decided in positive.

**Issue No. 04:**

The plaintiff alleged in his plaint that his correct date of birth is 01.07.1970, according to service record while it has been wrongly entered as 1954 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.

The plaintiff produced witnesses in whom the plaintiff himself appeared as PW-1, who produced his CNIC and Service Record/Book which are Ex-PW-1/1 & Ex-PW-1/2 respectively. Further, Norab Khan S/O Ali Khan, a cousin of the plaintiff appeared as PW-02, who produced his CNIC which is exhibited as Ex-PW-2/1 and further fully supported the stance of the plaintiff by narrating the same story as in the plaint. Further, Muhammad Akmal, concerned Record Keeper of GHS, Mandati District Orakzai appeared as PW-03, who endorsed the already exhibited Service Record of the plaintiff as Ex-PW-1/2 and according to that the correct date of birth of the plaintiff is

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01.07.1970 and further fully supported the stance of the plaintiff by narrating the same story as in the plaint. All the witness have been cross examined but nothing tangible has been extracted out of them during cross examination rather the representative of defendants have not recorded his objection over the service record 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 CNIC processing detail form of the plaintiff which is Ex-DW-1/1, the form A of the plaintiff which is Ex-DW-1/2. But he admitted in his cross examination that I do not know about the service of the plaintiff.

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. Thus, in the light of the aforesaid findings the issue is decided in positive.

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**Issue No. 01 &05:**

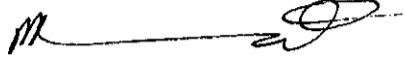
Both these issues are interlinked, hence, taken together for discussion. As sequel to my findings on issue No. 4, the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Both these issues are decided in positive.

**RELIEF:**

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

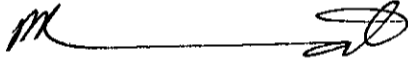
File be consigned to the Record Room after its completion and compilation.

**Announced**  
23.11.2021

  
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**CERTIFICATE**

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

  
**(Rehmat Ullah Wazir)**  
Civil Judge-I,  
Camp Court, Kalaya, Orakzai