

**IN THE COURT OF SHABEER AHMAD,**  
CIVIL JUDGE-II, TEHSIL COURTS, KALAYA, ORAKZAI

Civil Suit No. 135/1 of 2022  
Date of Original Institution: 27.09.2022  
Date of Decision: 29.11.2022

**Sameen Khan son of Sultan Gul**, resident of Qaum Shiekhan, Tapa Bazid Khel, PO Zokhana Bazid Khel, District: Orakzai.

.....(Plaintiff)

**VERSUS**

1. **Chairman, NADRA, Islamabad.**
2. **Assistant Director, NADRA District Orakzai.**

.....(Defendants)

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

**JUDGMENT**

1. Brief facts of the case in hand are that the plaintiff **Sameen Khan** has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct date of birth of plaintiff is **01.01.1984**, while it has been wrongly entered as 1974 in his CNIC by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were asked time and again to do the aforesaid correction but they refused, hence, the present suit;

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(Kalaya)

- 2. Defendants were summoned, they appeared through their representative and filed written statement whereby they objected the suit on factual and legal grounds.
- 3. Divergent pleadings of the parties were reduced into the following issues;

**Issues:**

- 1. Whether the plaintiff has got a cause of action?
- 2. Whether the suit of the plaintiff is within time?
- 3. Whether the correct date of birth of the plaintiff is **01.01.1984** whereas defendants have entered date of birth of plaintiff as 1974 in his CNIC?
- 4. Whether the plaintiff is entitled to the decree as prayed for?
- 5. Relief?

Issue wise findings of this court are as under: -

**Issue No. 02:**

The defendants in their written statements raised their objection that suit of the plaintiffs 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 27.09.2022. Thus, the same is well within time. The issue is decided in positive.

*Shabir Ahmad*  
 Shabir Ahmad  
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**Issue No. 03:**

The plaintiff alleged in his plaint that the correct date of birth of the plaintiff is **01.01.1984** while defendants have wrongly entered the same as 1974 in his CNIC which is wrong, ineffective upon the rights of the plaintiff and liable to be corrected.

The plaintiff produced witnesses in whom Mr. Sameen Khan, the plaintiff himself, appeared as PW-01, who produced copy of his CNIC and Primary School Leaving Certificate which are Ex. PW-1/1 and Ex. PW-1/2 respectively. He stated that his correct date of birth is **01.01.1984** according to his Primary School Leaving Certificate while defendants have wrongly entered the same as 1974 in their record. He lastly requested for the decree of the suit as prayed for. During cross examination he stated that he does not know when he made his 1<sup>st</sup> CNIC. Muhammad Tariq son of Sawab Gul, class fellow of the plaintiff, appeared as PW-02, who produced his CNIC which is Ex. PW-2/1. He stated that they studied in same class for 02-03 years. That they studied in Primary School Bazid Khel. Further he stated that he left the School in Class III. During cross examination he stated that plaintiff was his class fellow. He does not know the exact date of enrollment in the school. He further stated in his cross examination that there were 10-12 boys in the class. Further Mr.

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Khan Wada son of Haji Rehman, appeared and deposed as PW-03. He produced his CNIC which is Ex. PW-3/1. He reiterated the same story as narrated by PW-02. Date of birth of PW-02 and PW-03, who were class fellows of the plaintiff, are 1984 and 01.04.1984 respectively according to their CNICs.

Further Rizwan Ullah, a teacher of Government Primary School, Bazid Khel, appeared and deposed as CW-01. He stated that all the record of their school was burnt or lost during Talibanization. He further stated that record after 2017 is available, but before 2017 is not available in the school and that the school administration has written a letter to District Education Officer, Orakzai, if they have relevant record but no reply is submitted yet. . He further stated that they have no record of the plaintiff. His CNIC is Ex. CW-1/1.

*Handwritten notes:*  
not available  
Civil J...  
Orakzai

*Signature:* Shabeer Ahmad  
Civil Judge (M-II)  
Orakzai  
29/11/2022

In order to counter the claim of the plaintiffs, the defendants produced only one witness, the representative of the defendants who appeared as DW-1, who produced RTS record, Processing Form and Passport of the plaintiff which are Ex. DW-1/1 & Ex. DW-1/3 respectively. According to the above data date of birth of plaintiff is 1974. He lastly requested for dismissal of the suit.

Arguments heard and record perused.

Perusal of record reveals that the plaintiffs mainly relies on his primary school leaving certificate, in which date of birth of the plaintiff is mentioned as **01.01.1984**. Further class fellows of the plaintiff appeared as PW-02 & PW-03. Their dates of birth according to their CNICs are 1984 & 01.04.1984.

Plaintiff produced oral and documentary evidence which fully supported the claim of the plaintiff. Thus, the plaintiff established his claim through cogent and reliable evidence, therefore, 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. 3, the plaintiffs have got a cause of action and therefore entitled to the decree as prayed for. Thus, both these issues are decided in positive.

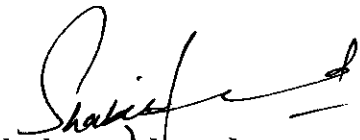
*Shahid Ahmad*  
Shahid Ahmad  
Civil Judge  
02/09/11/2022

**RELIEF:**

As sequel to my above issue wise findings, the suit of the plaintiff is hereby decreed as prayed for. Defendants are directed to correct the date of birth of the plaintiff as **01.01.1984** in their record and in the CNIC of the plaintiff. This decree shall not effect to rights of other person or service record if any.

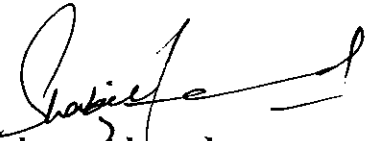
File be consigned to the District Record Room,  
Orakzai after its completion and compilation.

**Announced**  
**29.11.2022**

  
**Shabeer Ahmad**  
Civil Judge-II,  
Tehsil Court, Kalaya, Orakzai

**CERTIFICATE**

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

  
**Shabeer Ahmad**  
Civil Judge-II,  
Tehsil Court, Kalaya, Orakzai