

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

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Suit No.....3/1 Neem.

Date of Original Institution..... 21.01.2020

Date of Present Institution.....18.06.2021

Date of decision.....12.09.2022

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Muhammad Qayum S/O Mir Dil Khan R/O Qoum Stori Khel, Tappa Mala Khel, Qambar, Tehsil Lower, District Orakzai.

..... (Plaintiff)

**Versus**

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

..... (Defendants)

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**SUIT FOR DECLARATION & PERMANENT INJUNCTION.**

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**JUDGEMENT**

**12.09.2022**

Plaintiff along with counsel present. Representative of defendants also present and submitted fresh authority letter. Evidence of defendants recorded as DW-01 and closed. Arguments also heard and record perused.

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



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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 service record, true and correct date of birth of plaintiff is **03.05.1981**, however, defendants have incorrectly entered date of birth of plaintiff as **17.03.1990** which is wrong, illegal and ineffective upon the rights of plaintiff and liable to be 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 03.05.1981, while it has been wrongly entered in his CNIC as 17.03.1990? 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 evidence.

  
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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 four witnesses in support of his claim.

Uncle of plaintiff namely Shahid Gul, appeared and deposed as PW-01. Copy of his CNIC is Ex. PW-1/1. He supported the claim of plaintiff.


Plaintiff himself deposed as PW-02. He reiterated the averments of plaint and lastly requested for decree of suit against the defendants as prayed for.

Relative of plaintiff namely Siyal Khan, was examined as PW-03. Copy of his CNIC is Ex. PW-3/1. He also supported claim of plaintiff.

Atif Ullah, Record Keeper of Police Department (Ex-Levis) deposed as PW-04. He produced original Service Book of plaintiff extract whereof is Ex. CW-4/1 (02 pages). He stated that plaintiff was appointed on 13.07.2000 and date of birth of plaintiff is recorded as 03.05.1981 in his service record.

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. His authority letter is Ex. DW-1/1. He stated that plaintiff has been issued CNIC as per information provided by plaintiff and he has

  
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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 **04.03.2015** while suit in hand was filed on **21.01.2020**. As period of limitation under Article 120 of Limitation Act is six years, therefore, suit of plaintiffs is held to be within time. Issue decided in positive.

**ISSUE NO.3:**

Claim and contention of plaintiff is that as per Service Record, his true and correct date of birth is 03.05.1981, however, defendants have incorrectly entered date of birth of plaintiff as 17.03.1990 which is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. He produced documentary evidence in support of his claim in shape of Service Record as Ex. CW-4/1 (02 pages) as per which date of birth of plaintiff is recoded as 03.05.1981. Service Record of plaintiff was produced by official concerned. On the other hand, not a single document was produced by DW-01 which could rebut the version 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 03.05.1981 which is correctly recorded in his Service Record. Issue decided accordingly.

  
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**ISSUES 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 and service record of plaintiff.

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

**ANNOUNCED**  
**12.09.2022**



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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.



**Zahir Khan**

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