

**IN THE COURT OF ZAHIR KHAN**  
Civil Judge-I, Kalaya, Orakzai

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Suit No.....87/1 of 2022.

Date of Institution.....18.08.2022.

Date of Decision.....17.10.2022.

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Muhammad Umar S/O Sakhi Badshah, Qaum Feroz Khel, Tappa Jaisal Khel, PO Feroz Khel, Village Said Khalil Baba, Tehsil Lower, District Orakzai.

.....(*Plaintiff*)

**Versus**

1. Chairman NADRA, Islamabad.
2. NADRA, District Orakzai.

..... (*Defendants*)

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**SUIT FOR DECLARATION & PERMANENT JUNCTION**

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**JUDGEMENT**

17.10.2022

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

Brief facts in the backdrop are that plaintiff has filed the instant suit for declaration cum-permanent injunction to the effect that, as per Secondary School Certificate, true and correct date of birth of plaintiff is 01.01.2001, however, defendants have incorrectly entered the date of birth of plaintiff as 01.01.1991 which is wrong, illegal and

  
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ineffective upon the rights of plaintiff and liable to be rectified. It is further averred that date of birth of sister of plaintiff is also recorded as 01.01.1991 despite the fact that they are not twins by birth. 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. The controversial pleadings of the parties were reduced into the following issues:

### ISSUES

1. Whether plaintiff has got cause of action? OPP
2. Whether correct date of birth of plaintiff is 01.01.2001 and defendants have incorrectly and wrongly entered the same as 01.01.1991? OPP
3. Whether plaintiff is entitled to the decree as prayed for? OPP
4. Relief.

  
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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.

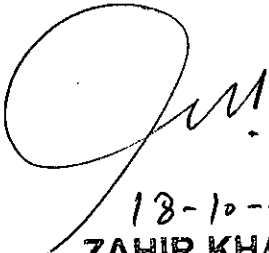
Plaintiff produced four witnesses in support of his claim while defendants produced one witness in defence.

Zahir Shah, brother of plaintiff appeared and recorded his statement as PW-01. Copy of his sister's CNIC is Ex. PW-1/1. Copy of his CNIC is Ex. PW-1/2. He supported the claim of plaintiff.

Muhammad Salih, neighbour of plaintiff appeared and deposed as PW-02. Copy of his CNIC is Ex. PW-2/1. He also supported claim of plaintiff.

Muhammad Umar, plaintiff himself appeared and deposed as PW-03. He reiterated the averments of plaint. Copies of his CNIC, Secondary School Certificate and Domicile Certificate are Ex. PW-3/1 to Ex. PW-3/3.

Evidence of plaintiff was closed. Thereafter, counsel for plaintiff filed application to the effect that plaintiff wants to produce head master/principal Government High School, Tooti Bagh as witness in support of his claim. Application was allowed being not objected by representative of defendants.

  
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Resultantly, Sinjab Khan, school teacher Government High School, Tooti Bagh appeared and deposed as PW-04. He stated that as per admission withdrawal register, there is no record available in the name of plaintiff. He further stated that the certificate placed on file has

not been issued by his school. Extract of admission withdrawal register is Ex. PW-4/1. Copy of his CNIC is Ex. PA.

Thereafter, evidence of plaintiff was closed.

Irfan Hussain (Representative of NADRA, Orakzai) appeared as DW-01. He produced family tree of plaintiff as Ex. DW-1/1. He stated that plaintiff has been issued CNIC as per information provided by him and he has got no cause of action to file the instant suit and that suit of plaintiff is liable to be dismissed.

Thereafter, evidence of defendants was closed.


The above discussion boils down to my following issue-wise findings.

**ISSUES NO.2**

Claim and contention of plaintiff is that his true and correct date of birth is 01.01.2001, however, defendants have incorrectly entered the same as 01.01.1991 which is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. It is further averred that date of birth of sister of plaintiff is also recorded as 01.01.1991.

Burden of proof was on plaintiff to establish that his true and correct

date of birth is 01.01.2001. He has placed reliance on Secondary School Certificate produced and exhibited as Ex. PW-3/2. As per Ex. PW-3/2, plaintiff appeared in Secondary School Examination in Session 2019 (annual) as private candidate. Record keeper/representative of BISE,

  
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Kohat was not produced as witness during course of trial. On the acceptance of application of plaintiff, incharge/principal Government High School, Tooti Bagh was examined as PW-04. He produced the relevant record as Ex. PW-4/1. He stated that plaintiff has no record in the said school and that the school certificate annexed with the plaint has not been issued by the said school. As per Ex. PW-4/1, the name of student at serial No. 837 is Mina Jan S/O Zarma Gul instead of plaintiff. Plea of plaintiff is not supported by Ex. PW-4/1. As per Ex. DW-1/1, plaintiff was first issued CNIC on 15.07.2015 and he received his CNIC from defendants without any objection on date of birth recorded therein.


Keeping in view the above discussion, documentary as well as oral evidence available on file, issue No. 2 is decided in negative and against the plaintiff.

**ISSUES NO.1 & 4.**

In the light of foregoing discussion, it is held that plaintiff failed to prove his claim through cogent, convincing and reliable documentary and oral evidence; therefore, he has got no cause of action and is not entitled to the decree, as prayed for. Both these issues are decided in negative and against the plaintiff.

**RELIEF.**


Crux of my issue wise discussion is that as plaintiff failed to prove his claim through cogent, convincing and reliable documentary and oral evidence, therefore, suit of the plaintiff is hereby dismissed with the cost of Rs. 15000/-.

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

**ANNOUNCED**

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**CERTIFICATE**

It is certified that this judgment consists of 06 pages. Each page has been dictated, read, corrected and signed by me.



**Zahir Khan**

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