

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

Suit No.....14/1 Neem of 2022.  
Date of Institution.....12.02.2022.  
Dated of Restoration.....03.10.2022.  
Date of Decision.....03.11.2022.  
=====

Muhammad Zaman S/O Noor Ghani, R/O Qaum Feroz Khel, Tappa Ghairat  
Khel, Village Said Khalil Baba, Tehsil Lower, District Orakzai.  
.....(*Plaintiff*)

**VERSUS**


1. Chairman NADRA, Islamabad.
  2. Director General NADRA, Khyber Pakhtunkhwa, Peshawar.
  3. Assistant Director NADRA, Orakzai.
- ..... (*Defendants*)

=====  
**SUIT FOR DECLARATION & PERMANENT INJUNCTION**  
=====

**JUDGEMENT**  
**03.11.2022**

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

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 School record, true and correct  
date of birth of plaintiff is 01.01.2004, however, defendants have  
incorrectly entered date of birth of plaintiff as 01.01.1994 which is

  
**ZAHIR KHAN**  
**Civil Judge/JM**  
**Kalaya Orakzai**  
**03.11.2022**

wrong, illegal, 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. What is the correct date of birth of plaintiff? 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 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.

During course of recording evidence, plaintiff produced only one witness.

  
ZAHIR KHAN  
Civil Judge JM  
Kalaya Orakzai

03/11/02

Plaintiff himself appeared and deposed as PW-01. Copy of his CNIC is Ex. PW-1/1. He reiterated the averments of plaint. He produced school leaving certificate issued by Lower Orakzai Model School as Ex. PW-1/2 and extract of admission and withdrawal register as Ex. PW-1/3. He lastly requested for decree of suit in his favour.


Thereafter, evidence of plaintiff was closed.

Irfan Hussain (Representative of NADRA, Orakzai) appeared as DW-01. He produced RTS, CNIC processing form, family tree (02 sheets) which are Ex. DW-1/1 to Ex. DW-1/4. He stated that plaintiff has been issued CNIC as per information provided by plaintiff and that he has 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:**

Record shows that plaintiff was issued CNIC by defendants on 28.11.2012 with expiry date 28.11.2022 while suit in hand was filed on 12.02.2022. In plethora of judgements of the apex superior courts it is held that every wrong entry will accrue fresh cause of action. As period of limitation under Article 120 of Limitation Act is six years, therefore, suit of plaintiff is held to be within time. Issued decided in affirmative.

  
ZAHIR KHAN  
Civil Judge/JM  
Kalaya Orakzai  
03.11.2022

**ISSUE NO.3:**

Claim of plaintiff is that his true and correct date of birth is **01.01.2004** but defendants have incorrectly recorded the same as **01.01.1994** in their record, which is wrong, illegal, ineffective upon the rights of plaintiff and liable to be rectified. Plaintiff produced documentary evidence in support of his claim in shape of Ex. PW-1/1 (school leaving certificate) and Ex. PW-1/2 (extract of admission and withdrawal register) as per which, date of birth of plaintiff is recoded as 01.01.2004. Ex. PW-1/1 and Ex. PW-1/2 were produced by plaintiff himself. Admission and withdrawal register was not produced before the court. School official was not produced as witness. Primary school record was not produced and exhibited during course of recording evidence. Ex. PW-1/1 and Ex. PW-1/2 issued by Lower Orakzai Model School cannot safely be relied upon. Furthermore, as per Ex. DW-1/2 to Ex. DW-1/4, plaintiff was issued CNIC on 28.11.2012 with date of birth as 01.01.1994. If date of birth of plaintiff is reckoned as 01.01.2004, then age of plaintiff on 28.11.2012 would be 8 years, 10 months, 3 weeks and 6 days. Minimum age limit for CNIC is 18 years. No person below the age of 18 years could be issued CNIC. The picture on the CNIC shows that plaintiff was not a child of 8/9 years in the year 2012. More so, none from the parents, brothers and sisters of plaintiff appeared before the court to support plea of plaintiff. Oral evidence produced by plaintiff is also insufficient to prove claim of plaintiff. Plaintiff was issued

  
**ZAHIR KHAN**  
Civil Judge/JM  
Kalaya Orakzai  
03.11.022

CNIC on 28.11.2012. Plaintiff 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. 3 is decided in negative and against the plaintiff.

**ISSUES NO.1 & 4.**

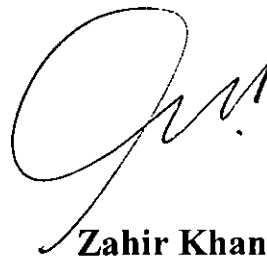
In the light of foregoing discussion, it is held that plaintiff failed to prove his claim through cogent, convincing and reliable documentary and oral evidence; therefore, he has got no cause of action and he is not entitled to the decree, as prayed for. Both these issues are decided in negative and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

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

**ANNOUNCED**  
**03.11.2022**

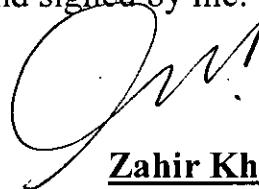


**Zahir Khan**

Civil Judge-I, Kalaya, Orakzai

**CERTIFICATE**

It is certified that this judgment consists of 05 pages. Each page has been dictated, read, corrected and signed by me.



**Zahir Khan**

Civil Judge-I, Kalaya, Orakzai