

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

Suit No.....11/1 of 2022.

Date of Institution.....18.01.2022.

Date of decision.....01.08.2022.

=====

- 1. Muhammad Hafeez,
- 2. Maseet Khan both sons of Azam Khan R/O Qoum Mishti, Tappa Darwi  
Khel, Tehsil Central, District Orakzai.

.....(Plaintiffs)

Versus

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

.....(Defendants)

=====

**SUIT FOR DECLARATION & PERMANENT INJUNCTION.**

=====

JUDGEMENT

01.08.2022

Through this judgement I am going to dispose of the instant suit filed by plaintiffs against defendants for declaration and permanent injunction.

Brief facts of the case are that plaintiffs have brought the instant suit for declaration cum-permanent injunction to effect that as per Secondary School Certificate, true and correct date of birth of plaintiff No. 1 is **05.06.1994**, however; it is wrongly entered in his CNIC issued by the defendants as **01.01.1992**, similarly, true and correct date of birth of plaintiff No. 2 is **01.01.2000**, however; it is wrongly entered in his CNIC issued by the defendants as **01.01.1995** which entries are wrong, illegal and ineffective upon the rights of plaintiffs and liable to be rectified. That defendants were asked time and again



**ZAHIR KHAN  
Civil Judge  
Kalaya Orakzai**

to rectify date of birth of plaintiffs accordingly 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 written statement. In the written statement the defendants have raised several legal and factual objections.

From divergent pleadings of the parties, the following issues were framed for adjudication of real controversy between the parties.

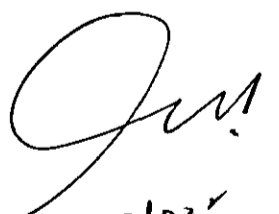
**ISSUES**

1. Whether plaintiffs have got cause of action? OPP
2. Whether suit is within time? OPP
3. Whether correct date of birth of plaintiff No.1 is 05.06.1994 instead of 01.01.1992 and whether correct date of birth of plaintiff No. 2 is 01.01.2000 instead of 01.01.1995? OPP
4. Whether plaintiffs are 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.

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, plaintiffs produced two witnesses.

  
01/08/02  
ZAHIR KHAN  
Civil Judge, IM  
Kalaya Orakzai

Najeeb Ullah, Teacher Orakzai Model School appeared and deposed as PW-01. He produced school record of plaintiff No. 1 according to which, date of birth of plaintiff No. 1 is recorded as 05.06.1994. Copy of his CNIC is Ex. PW-1/1. School record/admission and withdrawal register is Ex. PW-1/2.

Plaintiff No. 1 himself appeared and deposed as PW-02 and reiterated the averments of plaint. He produced Secondary School Certificate and DMC. Copy of his CNIC, DMC and Secondary School Certificate are Ex. PW-2/1, Ex. PW-2/2 and Ex. PW-2/3. Copy of CNIC of plaintiff No. 2 is Ex. PW-2/4. He lastly requested for decree of suit in their favour. Thereafter, evidence of plaintiffs was closed.


Nothing contradictory could be brought on record from PWs.

Syed Farhat Abbas (Representative of NADRA) appeared as DW-01. He stated that plaintiffs have been issued CNICs, as per information provided by plaintiffs. He produced CNIC processing detail forms (02 sheets) of plaintiffs exhibited as Ex. DW-1/1 and family tree of plaintiffs as Ex. DW-1/2 and he lastly requested for dismissal of suit of plaintiffs.

My issue wise findings are as under: -

**ISSUE NO.2:**


Plaintiff No. 1 has been issued CNIC on **16.07.2020** while plaintiff No. 2 has been issued CNIC on **16.01.2014** while suit in hand was filed on **18.01.2022**. CNIC of plaintiff No. 2 has already been expired on 16.01.2021. Every wrong entry accrues fresh cause of action, therefore, suit of plaintiffs is held to be within time. Issued decided in positive.

  
01-08-2022  
**ZAHIR KHAN**  
Civil Judge (JM)  
Kalaya Orakzai

**ISSUE NO.3:**

Claim of plaintiffs is that true and correct date of birth of plaintiff No. 1 is **05.06.1994** while that of plaintiff No. 2 is **01.01.2000** but defendants have incorrectly recorded date of birth of plaintiff No. 1 as **01.01.1992** and that of plaintiff No. 2 as **01.01.1995** in their record, which entries are wrong and liable to be rectified. As for as plea of plaintiff No. 1 is concern, he produced documentary evidence in support of his claim in shape of Matric DMC as Ex. PW-2/2 and SSC as Ex. PW-2/3 as per which date of birth of plaintiff No. 1 is recoded as 05.06.1994. The same carries weight as presumption of correctness is attached to it. As for as plea of plaintiff No. 2 is concern, if date of birth of plaintiff No. 1 is rectified/modified as 05.06.1994, it will result into unnatural age gap of about 06 months between plaintiff No. 1 and plaintiff No. 2. It was agreed by plaintiffs and representative of defendants that if date of birth of plaintiff No. 2 is modified from 01.01.1995 to 01.03.1995, then unnatural age gap between plaintiffs will be avoided. Defendants have failed to establish that the exhibited record in favour of plaintiffs is managed or manipulated one.

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 No. 1 is 05.06.1994 which is correctly recorded in his Secondary School Certificate. Date of birth of plaintiff No. 2 to be modified from **01.01.1995** to **01.03.1995**. Issue decided accordingly.

  
01.08.022  
**ZAHIR KHAN**  
Civil Judge, JM  
Kalaya Orakzai

**ISSUES NO.1 & 4.**

In the light of foregoing discussion, it is held that plaintiffs have got cause of action and are entitled to the decree, as explained above. Both these issues are decided accordingly.

**RELIEF.**

Crux of my issue wise discussion is that suit of plaintiffs is hereby decreed in their favor against the defendants as explained above. No order as to costs. This decree shall not affect the rights of any other person interested, if any or service record of plaintiffs, if any.

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

**ANNOUNCED**  
**01.08.2022**



**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