

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

Suit No.....74/1 Neem.
Date of Original Institution..... 25.07.2022.
Date of Restoration..... 23.08.2022.
Date of decision.....23.08.2022.
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Abubakar Siddiq S/O Mehboob Khel R/O Qoum Mishti, Tappa Sher Khel,
Tehsil Central, District Orakzai. (through father)
..... (Plaintiff)

Versus

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

..... (Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION.

JUDGEMENT
23.08.2022

Plaintiff along with counsel present. Representative of defendants also present. Vide my separate order of today, ex-parte decree dated 26.07.2022 is set aside. Suit in hand be entered accordingly. Written statement filed. Issues framed. List of witnesses submitted. Evidence of plaintiff recorded as PW-01 and closed. Evidence of defendants recorded as DW-01 and closed. Arguments heard and record perused.

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Through this judgement, I am going to dispose of the instant suit

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filed by plaintiff against defendants for declaration and permanent injunction.

Brief facts in the backdrop are that plaintiff has filed the instant suit through father against the defendants for declaration and permanent injunction to the effect that as per Secondary School Certificate, correct date of birth of plaintiff is 15.03.2006, however, defendants have incorrectly entered date of birth of plaintiff as 25.02.2003 which is wrong, illegal 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 15.03.2006 instead of 25.02.2003? OPP
4. Whether plaintiff is entitled to the decree as prayed for? OPP
5. 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 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 one witness.

Plaintiff himself appeared and deposed as PW-01. He produced Secondary School Certificate and Provisional Certificate according to which, date of birth of plaintiff is recorded as 15.03.2006. Copy of his CNIC is Ex. PW-1/1. Secondary School Certificate and Provisional Certificate are Ex. PW-1/2 and Ex. PW-1/3.

Thereafter, evidence of plaintiff was closed. Nothing contradictory could be brought on record from PW.

Syed Farhat Abbas (Representative of NADRA) appeared as DW-01. He stated that plaintiff first applied for SMID in 2020 and plaintiff claimed himself as illiterate. He lastly requested for dismissal of suit of plaintiffs. Thereafter, evidence of defendants was closed

My issue wise findings are as under: -



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ISSUE NO.2:

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Plaintiff has been issued CNIC on **11.02.2020** while suit in hand was filed on **25.07.2022**. As period of limitation under Article 120 of Limitation Act is six years, therefore, suit of plaintiffs is held to be within time. Issued decided in positive.

ISSUE NO.3:

Claim of plaintiff is that his true and correct date of birth is **15.03.2006** but defendants have incorrectly recorded date of birth of plaintiff as **25.02.2003** in their record, which is wrong and liable to be rectified. He produced documentary evidence in support of his claim in shape of Matric DMC as Ex. PW-2/2 and Provisional Certificate as Ex. PW-2/3 as per which date of birth of plaintiff is recoded as 15.03.2006. The same carries weight as presumption of correctness is attached to it. DW-01, in his cross examination stated that date of birth of a person can be modified/rectified as per SSC.

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 15.03.2006 which is correctly recorded in his Secondary School Certificate and Provisional Certificate. Date of birth of plaintiff to be rectified/modified from **25.02.2003** to **15.03.2006**. Issue decided accordingly.

ISSUES NO.1 & 4.

In the light of foregoing discussion, it is held that plaintiff has got cause of action and are 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 their 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 or service record of plaintiff, if any.



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

ANNOUNCED
23.08.2022



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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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