

**IN THE COURT OF SAMI ULLAH,**

Civil Judge-I, Orakzai at Baber Mela

Civil Suit No.	03/1 of 2024
Date of Institution:	09.01.2024
Date of Decision:	26.03.2024

**Muhammad Zamir S/O Khial Zamir**

R/O Qoam Ali Khel, Tappa Qasim Khel, Tehsil Upper, District Orakzai.

.....(Plaintiff)

VERSUS

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

..... (Defendants)

**SUIT FOR DECLARATION & PERMANENT INJUNCTION****JUDGEMENT:**

1. Plaintiff has brought the instant suit for declaration-cum-permanent injunction against defendants, seeking therein that correct date of birth of plaintiff is **25.05.1981** but the defendants have wrongly incorporated his date of birth as 25.05.1984 in their record. Similarly, the date of birth of elder son of plaintiff is 12.01.1999. Thus, there is unnatural gap of 14 years 08 months between the age of plaintiff with his elder son namely Luqman, which is wrong and ineffective upon their rights and is liable to correction. That the defendants were asked time and again for correction of date of birth of plaintiff but they refused to do so, hence the present suit;

*Sami Ullah*  
*26.03.2024*  
**Sami Ullah**  
 Civil Judge/JM-I  
 Orakzai at (Babar Mela)

2. Defendants were summoned, they appeared before the court through their representatives and contested the suit by filing their written statement, wherein various legal and factual objections were raised.
3. Divergent pleadings of the parties were reduced into the following issues;

**Issues:**

1. *Whether plaintiff has got cause of action?*
2. *Whether the plaintiff is estopped to sue?*
3. *Whether suit of the plaintiff is within time?*
4. *Whether the suit of plaintiff is bad in its present form?*
5. *Whether the correct date of the plaintiff is 25.05.1981 and defendants have wrongly entered the same as 25.05.1984 in their record?*
6. *Whether the plaintiff is entitled to the decree as prayed for.*
7. *Relief.*

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*Ullah*  
*26.03.2024*  
Sani Ullah  
Civil Judge/JM-I  
Orakzai at (Babar Mela)

4. Parties were given ample opportunity to produce evidence which they did accordingly.
5. Issue wise findings of this court are as under: -

**Issue No. 02:**

*Whether the plaintiff is estopped to sue?*

6. The defendants in their written statement raised the objection that the plaintiff is estopped to sue but later on failed to prove the same, hence, the issue is decided in negative.

**Issue No. 03:**

*Whether suit of the plaintiff is within time?*

7. The defendants in their written statement raised the objection that suit of the plaintiff is time barred but this court is of the opinion that as per Article 120 of the Limitation Act, 1908 there is a period of 06 years for the institution of such like suits but the aforesaid Limitation Act, 1908 is extended to the erstwhile FATA on **31/05/2018** through the 25th constitutional amendment and the same has become operational from the aforesaid date while the instant suit has been filed on **09.01.2024**. Thus, the same is well within time. The issue is decided in positive.

*Louisa Ullah*  
26-13-2024  
**Sami Ullah**  
Civil Judge/JM-I  
Orakzai at (Babar Mela)

*Issue No. 04:*

*Whether the suit of plaintiff is bad in its present form?*

8. This objection was raised in preliminary objection in written statement however, the issue was neither discussed nor stressed upon, even otherwise, there is nothing on available record which suggest that suit is bad in its present form. Hence, the issue is decided in negative.

*Issue No.05:*

*Whether the correct date of birth of the plaintiff is 25.05.1981 and defendants have wrongly entered the same as 25.05.1984 in their record?*

9. The plaintiff alleged in his plaint that the correct date of birth of plaintiff is **25.05.1981** while the defendants have wrongly entered the same in their record as 25.05.1984 which

is wrong, ineffective upon the rights of the plaintiff and liable to correction.

10. The plaintiff produced two witnesses and he himself appeared as a witness in his favour who recorded the statements and testified that the correct date of birth of the plaintiff is **25.05.1981**.
11. Plaintiff himself recorded his statement as PW-1 and stated that he has six children and the correct date of birth of his elder son namely Muhammad Luqman is 12.01.1999. He further stated that his correct date of birth is **25.05.1981** while defendants have wrongly incorporated in their record as 25.05.1984. He further stated that according to record of defendants, there is unnatural gap between his age and age of his elder son. Copy of CNICs of plaintiff and his elder son are Ex.PW-1/1 and Ex.PW-1/2. Nothing incriminating was recording in his cross examination.
12. PW-02 namely Noor Mir recorded in his statement that plaintiff is his cousin. He stated that plaintiff has six children and his elder son's name is Muhammad Luqman. He further stated that claim of the plaintiff is true and prayed for decree in favour of plaintiff. Copy of his CNIC is Ex.PW-2/1. Nothing incriminating was recording in his cross examination.
13. PW-03 namely Zia Ur Rehman stated in his statement that plaintiff is his relative. Further stated that plaintiff has six children and his elder son's name is Muhammad Luqman.

*Lamin Ullah*  
26-03-2024  
**Sami Ulfah**  
Civil Judge/JM-I  
Orakzai at (Babar Mela)

Further stated that claim of the plaintiff is true and prayed for decree in favour of plaintiff. Copy of his CNIC is Ex.PW-3/1. Nothing incriminating was recording in his cross examination.

14. In order to counter the claim of the plaintiff, the defendants produced only one witness, Mr. Irfan Hussain, the representative of the defendants appeared as DW-01. He produced family tree which is Ex. DW-1/1. He stated that according to Nadra SOPs, age difference of 17-18 years is necessary between parents and elder son. He further stated that due to age difference less than 17/18 years, ID card would not be processed for both members. He admitted unnatural gap in age between the plaintiff and his elder son namely Muhammad Luqman.

15. Arguments heard and record perused.

16. After hearing of arguments and perusal of record I am of the opinion that the stance of the plaintiff is supported by the documents and evidence which they produced. Nothing incriminating was recorded in cross examination of the PWs. After keeping in consideration, the aforementioned points and available evidence, this court is of the view that the record of defendants relating to date of birth of the plaintiff is liable to correction.

17. Thus, in the light of the aforesaid findings, the issue is decided in positive.

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26.03.2024  
**Sami Ullah**  
Civil Judge/JM-I  
Orakzai (Babar Mela)

Issue No. 01 & 06:*Whether plaintiff has got cause of action?**Whether the plaintiff is entitled to the decree as prayed for.*

18. Both these issues are interlinked, hence, taken together for discussion. As sequel to my findings on issue No. 5 plaintiff has got cause of action and therefore entitled to the decree as prayed for. Both these issues are decided in positive.

**RELIEF:**

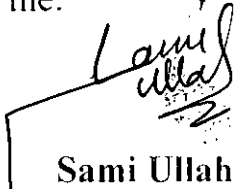
19. As sequel to my above issue wise findings, the suit of the plaintiff is hereby decreed as prayed for, defendants are directed to correct date of birth of plaintiff as **25.05.1981** instead of 25.05.1984 in their record.
20. Parties are left to bear their own cost.
21. Decree sheet be drawn up accordingly.
22. File be consigned to the Record Room after its necessary completion and compilation.

**Announced**  
**26.03.2024**

  
**Sami Ullah**  
Civil Judge-I,  
Orakzai at Baber Mela.

**CERTIFICATE**

Certified that this judgment consists of six (06) pages, each has been checked, corrected where necessary and signed by me.

  
**Sami Ullah**  
Civil Judge-I,  
Orakzai at Baber Mela.