

**IN THE COURT OF SAMI ULLAH,**  
Civil Judge-I, Orakzai at Baber Mela

Civil Suit No. 04/1 of 2024  
Date of Institution: 09/01/2024  
Date of Decision: 25/04/2024

**Muhammad Sadique S/O Ghulam Habib**

R/O Qoam Mamozai, Tappa Abdul Raheem Khel, Adhero Naka, PO Ghiljo,  
Tehsil Upper, District Orakzai.

.....(Plaintiff)

VERSUS

1. Chairman Nadra, Islamabad
2. Director General Nadra, Peshawar KPK.
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 the correct father and mother name of plaintiff are **Ghulam Habib** and **Wal Jan Bibi** respectively but defendants have wrongly incorporated the same as Janat Shah and Masta Jana respectively in their record with respect to the plaintiff. However, Janat Shah and Masta Jana are uncle and aunt of the plaintiff. Furthermore, correct date of birth of plaintiff is **01.07.1996** but defendants have wrongly mentioned as **01.01.1995** in their record with respect to the plaintiff.

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Furthermore, plaintiff is permanently residing in District Orakzai. However, in CNIC his address is mentioned as that of District Kurram. Plaintiff alleged in his plaint that the incorporation of wrong date of birth in his record by defendants, there is unnatural gap in age of 06 months with his brother namely Abdul Qadir. That the defendants were asked time and again for correction of parent's names and date of birth of plaintiff but they refused to do so, hence the present suit;

2. Defendants were summoned, they appeared before the court through their representative 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 father and mother names of plaintiff are Ghulam Habib and Wal Jan Bibi and defendants have wrongly entered the same as Janat Shah and Masta Jana in their record?*
6. *Whether the correct date of birth of plaintiff is 01.07.1996 and defendants have wrongly entered the same as 01.01.1995?*

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7. *Whether the plaintiff is entitled to the decree as prayed for.*

8. *Relief.*

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.

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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 05 & 06:

*Whether the correct father and mother names of plaintiff are Ghulam Habib and Wal Jan Bibi and defendants have wrongly entered the same as Janat Shah and Masta Jana in their record?*

*Whether the correct date of birth of plaintiff is 01.07.1996 and defendants have wrongly entered the same as 01.01.1995?*

- 9. The plaintiff alleged in his plaint that his correct parent's name and date of birth are **Ghulam Habib** and **Wal Jan Bibi** and **01.07.1996** respectively, while the defendants have wrongly entered parent's name and date of birth of plaintiff in their record as Janat Shah and Masta Jana and 01.01.1995 respectively, which are 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 parent names of plaintiff are

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**Ghulam Habib** and **Wal Jan Bibi** respectively and correct date of birth of plaintiff is **01.07.1996**.

11. Plaintiff himself recorded his statement as PW-1 and stated that his correct parents' names are **Ghulam Habib** and **Wal Jan Bibi** respectively whereas his correct date of birth is **01.07.1996** while the same have wrongly mentioned in his CNIC are Janat Shah and Masta Jana and 01.01.1995 which are wrong and ineffective upon his rights. He stated that Janat Shah and Masta Jana are actually his uncle and aunt. He further stated that there is unnatural gap of 06 months between his age and age of his brother namely Abdul Qadir which is liable to correction. Further stated that he is permanently residing in District Orakzai while defendants have wrongly incorporated his permanent address as District Kurram. Copy of Affidavit, copy of his CNIC, copy of his father CNIC and copy of his uncle CNIC are Ex.PW-1/1 to Ex.PW-1/4 respectively. He admitted in his cross examination that his mother don't have a CNIC.

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12. PW-02 namely Abdul Qayum said in his statement that plaintiff is his real brother and he testified and supported the claim and contention of plaintiff. He further stated that due to wrong incorporation of parental status in record of plaintiff, plaintiff become his cousin. Moreover, due to wrong incorporation of date of birth of plaintiff there is

unnatural gap between the age of plaintiff with his brother namely Abdul Qadir. He also prayed for correction of address in record of plaintiff. His CNIC is Ex.PW-2/1. He admitted in his cross examination that although his mother is alive but she don't have a CNIC. The said PW also admitted that the plaintiff has registered himself in the present family tree in Nadra record for the reason that his real father was abroad.

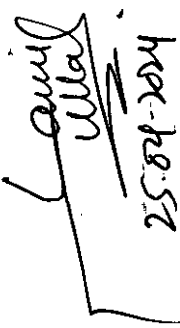
13. PW-03 namely Abdul Qadir recorded his statement that plaintiff is his real brother and our father is abroad. He further stated that due to wrong incorporation of parental status in record of plaintiff, plaintiff become his cousin. Moreover, due to wrong incorporation of date of birth of plaintiff there is unnatural gap between his age and age of plaintiff. He lastly prayed for correction of parental status and date of birth of plaintiff in the CNIC of plaintiff. Copy of his CNIC is Ex.PW-3/1. He admitted in his cross examination that his maternal uncle and aunt namely Janat Shah and Masta Jana which are mentioned as father and mother of the plaintiff in record are both no more in this world.

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. According to this document, parents' names of plaintiff are Janat Shah and Masta Jana and date of birth of plaintiff is 01.01.1995. He

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stated that except name of plaintiff and janat Shah no member was present in the family tree of janat Shah. DW-01 admitted in his cross examination that no other member was present except plaintiff in the family tree of Janat Shah. He further admitted that according to SOPs of Nadra changing of parental status is possible for which biometric verification is required from any member from the family tree of plaintiff.

- 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 evidence which they produced. According to the statement of PW-02 and PW-03 in which they stated that the plaintiff is their real brother. Moreover, correct father name of plaintiff i.e. **Ghulam Habib** has been correctly mentioned in brother's CNICs of plaintiff. Furthermore, there is unnatural gap in age of 06 months between the plaintiff and his brother namely Abdul Qadir. Nothing incriminating was recorded in cross examination of the PWs. Furthermore, according to SOPs of Nadra parents name in record is subject to change, if any member from family tree in which a plaintiff wants to registered himself and a member from the allegedly wrong family tree testifies in favour of the plaintiff. The instant case as admitted in statement of DW-01, there is no living family member of the plaintiff in his allegedly wrong family tree, so he himself testified in his favour being the only

  
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living members of that very family. And most importantly the family tree in which he wants to register himself, two members appeared and recorded their statement on oath and testified in favour of the plaintiff being their brothers. Thus, after keeping in consideration, the aforementioned points and available evidence, this court is of the view that the record of defendants relating to parental status and date of birth of the plaintiff alongwith address are liable to correction.

17. Thus, in the light of the aforesaid findings, the issues are decided in positive.

Issue No. 01 & 07:

*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 & 6, plaintiff has got cause of action and is 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 father and mother name of plaintiff as **Ghulam Habib** and **Wal Jan Bibi** instead of Janat Shah and Masta Jana in their record. Moreover, defendants are further


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directed to correct date of birth of plaintiff as **01.07.1996** instead of 01.01.1995 in their record and update new address of the plaintiff.

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**  
**25.04.2024**

  
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**CERTIFICATE**

Certified that this judgment consists of nine (09) pages, each has been checked, corrected where necessary and signed by me.

  
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