

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

Suit No.....19/1 of 2024.

Date of Institution..... 06.06.2024.

Date of decision.....24.06.2024.

= = = = =

Muhammad Ibrahim S/O Adil Khan R/O Qoum Utman Khel, Tappa Fateh Khan Khel, Feroz Khel, Tehsil Lower, District Orakzai.

..... (Plaintiff)

Versus

- 1. Chairman NADRA, Islamabad.
- 2. Director General NADRA, Hayatabad, Peshawar.
- 3. Assistant Director NADRA, District Orakzai.
- 4. Assistant Director Local Govt; Lower Orakzai.

..... (Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION.

JUDGMENT

24.06.2024

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakza

M. K. 17

24/06/2024

Plaintiff along with counsel present. Representative of defendants No. 1 to 3 also present. Defendant No. 4 already placed and proceeded against ex-parte. Written statement on behalf of defendant No. 1 to 3 submitted. Issues framed. List of witnesses submitted. Evidence of plaintiff recorded as PW-01 & PW-02 and closed. Evidence of defendants recorded as DW-01 and closed. Arguments heard and record gone through.

Through this judgement, I am going to dispose of the instant suit filed by plaintiff Muhammad Ibrahim against defendants Chairman

NADRA, Islamabad and three 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 Birth Registration Certificate issued by defendant No. 4, true and correct date of birth of plaintiff is 08.05.2004, however, defendant No. 1 to 3 have incorrectly entered date of birth of plaintiff as 08.04.2009 which is wrong, illegal and liable to be rectified. That defendant No. 1 to 3 were asked time and again to rectify date of birth of plaintiff but in vain hence, the present suit.

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

After institution of the suit, defendants were summoned.

Defendant No. 1 to 3 marked their attendance through representative and contested the suit by filing authority letter and written statement. Defendant No. 4 remained absent despite service, hence, placed and proceeded against ex-parte.

M.M.I.C. 17
24/06/024

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 of plaintiff is within time? OPP
3. Whether correct date of birth of plaintiff is 08.05.2004 while defendants No. 1 to 3 have wrongly and incorrectly entered the same as 08.04.2009 in their record? 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 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.

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

Plaintiff himself appeared and deposed as PW-01. He reiterated the averments of plaint. He produced Birth Registration Certificate according to which, date of birth of plaintiff is recorded as 08.05.2004.

Copy of Birth Registration Certificate is Ex. PW-1/1 and copy of his CNIC is Ex. PW-1/2. Hazrat Bilal, brother of plaintiff deposed as PW-02. He also supported the plea of plaintiff. Copy of his CNIC is Ex. PW-2/1.

AMIC. 17
24/06/2024

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

Irfan Hussain (Representative of NADRA, Orakzai) appeared as DW-01. He produced authority letter as Ex. DW-1/1. He stated that rectification/modification of date of birth of plaintiff is possible on the basis of Birth Registration Certificate provided that plaintiff has not previously submitted any school certificate to NADRA authorities. Thereafter, evidence of defendant No. 1 to 3 was closed.

The above discussion boils down to my following issue-wise findings.

ISSUE NO.2:

Plaintiff has been issued CNIC on 04.04.2019 with the expiry date as 08.04.2027 while suit in hand was filed on 06.06.2024. As period of limitation under article 120 of Limitation Act is 06 years, therefore, suit of plaintiff is within time. Issue decided in positive in favor of plaintiff.

ISSUE NO.3:

Claim of plaintiff is that as per Birth Registration Certificate, his true and correct date of birth is 08.05.2004, however, defendant No. 1 to 3 have incorrectly entered the same as 08.04.2009 which is wrong, illegal and liable to be rectified. He produced documentary evidence in support of his claim in shape of Birth Registration Certificate as Ex. PW-1/1 as per which date of birth of plaintiff is recorded as 08.05.2004. There is nothing in rebuttal. Oral evidence produced by plaintiff is also supportive to the averments of plaintiff.

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

[Handwritten Signature]
24/06/2024

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 08.05.2004 which is correctly recorded in his Birth Registration Certificate. Date of birth of plaintiff to be rectified/modified from **08.04.2009** to **08.05.2004** in the record of defendant No. 1 to 3. Issue decided accordingly.

ISSUES NO.1 & 4.

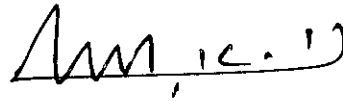
In the light of foregoing discussion, it is held that plaintiff has got cause of action and is entitled to the decree, as prayed for. Both these issues are decided accordingly.

RELIEF.

Crux of my issue wise discussion is that suit of plaintiff is hereby decreed in his favor against the defendants No. 1 to 3 as prayed for. Date of birth of plaintiff has already been correctly recorded as 08.05.2004 in the record of defendant No. 4 which is evident from Ex.PW-1/1. Parties have to bear costs of their proceedings because none of the parties have specifically proved the cost incurred on the case. This decree shall not affect the rights of any other person interested, if any or service record of plaintiff, if any.

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

ANNOUNCED
24.06.2024

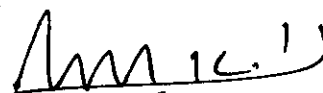


Zahir Khan

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