

IN THE COURT OF ZAHIR KHAN
Civil Judge-I, Kalaya, Orakzai

Suit No.....33/1 of 2024.
Date of Institution.....06.08.2024.
Date of Decision.....26.08.2024.
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Mst. Gul Sanga Wd/O Muhammad Wazeer R/O Qaum Ali Khel,
Tappa Jeesrat Khel, Ali Khan Garhi, PO Ghiljo, 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

JUDGMENT
26.08.2024

Through this judgment, I am going to dispose of the instant suit filed by plaintiff namely Mst. Gul Sanga against defendant Chairman NADRA, Islamabad and two others for declaration and permanent injunction.

Brief facts in the backdrop are that plaintiff has filed the instant suit for declaration cum-permanent injunction to the effect that her true and correct date of birth is 01.01.1968, however, defendants have incorrectly entered the same as 1980 which is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. That due to this wrong entry, there is unnatural age difference of about 06

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years between plaintiff and her elder son namely Wasil Khan, whose date of birth, as per NADRA record, is recorded as 1986. That defendants were asked time and again to rectify/modify 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. The controversial pleadings of the parties were reduced into the following issues:

ISSUES

1. Whether plaintiff has got cause of action? OPP
2. Whether suit of plaintiff is within time?
3. Whether correct date of birth of plaintiff is 01.01.1968 and defendants have wrongly entered the same as 1980? 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 respective evidence.

Plaintiff produced three witnesses in support of her claim while defendants produced one witness in defense.

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AM (C. 1)

Wasil Khan/son of plaintiff appeared and deposed as PW-01. He reiterated the averments of plaint. Copy of CNIC of his brother is Ex.PW-1/1, copy of his CNIC is Ex.PW-1/2, copy of CNIC of his mother (plaintiff) is Ex.PW-1/3 and copies of CNICs of brothers of plaintiff are Ex.PW-1/4 to Ex.PW-1/8. He lastly requested for decree of suit in favour of plaintiff.

Jarnil Khan deposed as PW-02. He supported the claim of plaintiff. Copy of his CNIC is Ex.PW-2/1. Thereafter, evidence of plaintiff was closed.

Irfan Hussain (Representative of NADRA, Orakzai) appeared as DW-01. He stated that plaintiff has been issued CNIC as per information provided by her and that she has got no cause of action. He produced authority letter which is Ex. DW-1/1. Thereafter, evidence of defendants was closed. After completion of evidence, counsel for plaintiff submitted application for permission to produce further evidence. Application is allowed being not objected by representative of defendants. Plaintiff present and her statement recorded as PW-03. She reiterated the averments of plaint. Copy of her CNIC is already exhibited as Ex.PW-1/3. She lastly requested for decree of suit as prayed for.

Further arguments were heard and record of the case file was gone through with their valuable assistance.

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(Handwritten signature)

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

ISSUE NO.2

Plaintiff has been issued CNIC on 16.12.2021 with expiry date of 16.12.2031 while suit in hand was filed on 06.08.2024. As period of limitation under Article 120 of Limitation Act is six years, therefore, suit of plaintiff is held to be within time. Issue No. 2 decided in positive.

ISSUE NO.3

Claim and contention of plaintiff is that her true and correct date of birth is 01.01.1968, however, defendants have incorrectly entered the same as 1980 which is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. That due to this wrong entry, there is unnatural age difference of about 06 years between plaintiff and her elder son namely Wasil Khan, whose date of birth, as per NADRA record, is recorded as 1986. If date of birth of plaintiff is not modified, then she and her children will face inconvenience. Plaintiff is not a government servant. The rectification/modification sought by plaintiff will not affect rights of others. Plaintiff produced cogent and convincing documentary evidence. Oral evidence is also supportive to the averments of plaintiff. Nothing is produced in rebuttal by defendants.

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M. K. 1)

Keeping in view the above discussion, documentary as well as oral evidence available on file, issue No. 3 decided in favor of plaintiff against the defendants.

ISSUE NO.1 & 4.

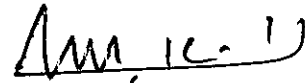
In the light of foregoing discussion, it is held that plaintiff has got cause of action and is entitled to the decree, as prayed for. Both these issues are decided in positive in favor of plaintiff.

RELIEF:

Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in her favor against the defendants as prayed for. No order as to cost. This decree shall not affect the rights of other persons interested, if any.

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

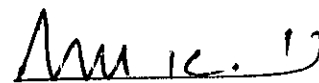
ANNOUNCED
26.08.2024



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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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