

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

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Suit No.....21/1 of 2024.  
Date of Original Institution.....12.06.2024.  
Date of Restoration .....12.07.2024.  
Date of Decision.....22.07.2024.

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1. Said Sharif S/O Abdul Sharif
2. Mst. Nusrat Bibi W/O Said Sharif both R/O Feroz Khel, Tappa Ghairat Khel, Haider Khel, Saam, PO Feroz Khel, Tehsil Lower, Orakzai.....(Plaintiffs)

**Versus**

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

..... (Defendants)

**SUIT FOR DECLARATION & PERMANENT INJUNCTION**

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**JUDGMENT**

22.07.2024

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Civil Judge/JM  
Kalaya Orakzai  
22/07/2024

Through this judgement, I am going to dispose of the instant suit filed by plaintiffs namely Said Shareef etc against defendant Chairman NADRA, Islamabad and two others for declaration and permanent injunction.

Brief facts in the backdrop are that plaintiffs have filed the instant suit for declaration cum-permanent injunction to the effect that true and correct date of birth of plaintiffs is 01.01.1985, however, defendants have incorrectly entered the date of birth of plaintiff No. 1 as 01.01.1990 and that of plaintiff No. 2 as 01.01.1997 which entries


are wrong, illegal and ineffective upon the rights of plaintiffs and liable to be rectified. It is further averred that due to this wrong entry, there is unnatural age difference of about 14 and 07 years between plaintiffs and their elder son namely Muhammad Anwar whose date of birth, as per school record, is 09.07.2004. That defendants were asked time and again to rectify/modify date of birth of plaintiffs 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:

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ISSUES

1. Whether plaintiffs have got cause of action? OPP
2. Whether suit of plaintiffs are within time?
3. Whether correct date of birth of plaintiffs is 01.01.1985 and defendants have wrongly entered the date of birth of plaintiff No. 1 as 01.01.1990 and that of plaintiff No. 2 as 01.01.1997? OPP
4. Whether plaintiffs are 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 respective evidence. After the completion of evidence, arguments of the learned counsels for the parties were heard and record of the case file was gone through with their valuable assistance. Plaintiffs produced two witnesses in support of their claim while defendants produced one witness in defense.

Plaintiff No. 1 himself appeared and deposed as PW-01. He reiterated the averments of plaint. He produced school certificate of his son which is Ex.PW-1/1, copy of his CNIC is Ex.PW-1/2, copy of his wife's CNIC is Ex.PW-1/3.

Rahid Khan appeared and deposed as PW-02. He supported the claim of plaintiffs. Copy of his CNIC is Ex.PW-2/1. Thereafter, evidence of plaintiffs 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 them and that they have got no cause of action. He produced authority letter which is Ex. DW-1/1. Thereafter, evidence of defendants was closed.

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

ISSUE NO.2

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Plaintiffs have been issued CNICs on 13.02.2023 and 28.09.2017 with expiry dates of 13.02.2033 and 28.09.2027 while suit in hand was filed on 12.06.2024. In plethora of judgments of the Apex Superior Courts, it is held that every wrong entry will accrue fresh cause of action. Even otherwise, all Federal and Provincial laws stood extended to the newly merged districts in the year 2019. As period of limitation under Article 120 of Limitation Act is six years, therefore, suit of plaintiffs is held to be within time. Issue No. 2 decided in positive.

**ISSUE NO.3**

Claim and contention of plaintiffs is that their true and correct date of birth is 01.01.1985, however, defendants have incorrectly entered the date of birth of plaintiff No. 1 as 01.01.1990 and that of plaintiff No. 2 as 01.01.1997 which entries are wrong, illegal and ineffective upon the rights of plaintiffs and liable to be rectified. That due to this wrong entry, there is unnatural age difference of about 14 and 07 years between plaintiffs and their elder son namely Muhammad Anwar whose date of birth, as per school record, is 09.07.2004. If dates of birth of plaintiffs are not modified, then they and their children will face inconvenience. Plaintiffs are not government servants. The rectification/modification sought by plaintiffs will not affect rights of others.

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

**ISSUE NO.1 & 4.**

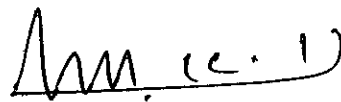
In the light of foregoing discussion, it is held that plaintiffs have got cause of action and are entitled to the decree, as prayed for. Both these issues are decided in positive in favor of plaintiffs.

**RELIEF:**

Crux of my issue wise discussion is that suit of the plaintiffs is hereby decreed in their 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.

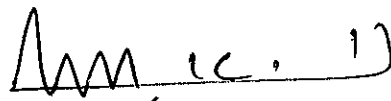
**ANNOUNCED**  
22.07.2024



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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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