

33

**IN THE COURT OF MUHAMMAD JUNAID ALAM,**  
CIVIL JUDGE-II, TEHSIL COURTS, KALAYA, ORAKZAI

Civil Suit No. 96/1 of 2024  
Date of Original Institution: 05.11.2024  
Date of Decision: 24.02.2025

AMEEN KHAN SON OF AMEER MUHAMMAD,  
RESIDENT OF QOM UTMAN KHEL, TAPPA FATEH  
KHAN KHEL, FEROZ KHEL, DISTRICT ORAKZAI  
..... (PLAINTIFF)

**VERSUS**

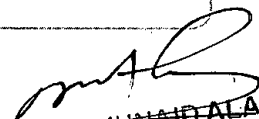
1. CHAIRMAN, NADRA, ISLAMABAD
  2. DIRECTOR GENERAL NADRA, PESHAWAR
  3. ASSISTANT DIRECTOR, NADRA DISTRICT ORAKZAI
- .....(DEFENDANTS)

**SUIT FOR DECLARATION -CUM- PERPETUAL AND  
MANDATORY INJUNCTION**

**JUDGMENT**

24.02.2025

1. Brief facts of the case in hand are that plaintiff  
have brought the instant suit for declaration,  
permanent and mandatory injunction against the  
defendants, referred hereinabove, seeking  
declaration therein that correct date of birth of  
plaintiff is **05.05.2001**, according to school record,  
while defendants have incorrectly entered the same  
as 01.01.1987 in their record, which is wrong,  
ineffective upon the right of the plaintiff and liable  
to correction.

  
MUHAMMAD JUNAID ALAM  
Civil Judge / JM-II  
Orakzai at Kalaya

34

2. Defendants were asked time and again to do the aforesaid correction but they refused, hence, the present suit;
3. Defendants were summoned, who appeared through their representative namely Iftikhar Ahmad and filed their written statement whereby they objected the suit on factual and legal grounds.
4. Divergent pleadings of the parties were reduced into the following issues;

**Issues:**

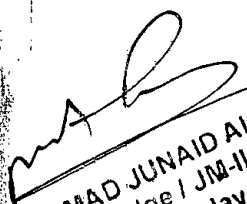
1. Whether the plaintiff has got a cause of action?  
OPP
2. Whether the correct date of birth of plaintiff according to school record is 05.05.2001, while defendants have incorrectly entered the same 01.01.1987 in their record? OPP
3. Whether the plaintiff is entitled to the decree as prayed for?
4. Relief?

Issue wise findings of this court are as under: -

**Issue No. 02:**

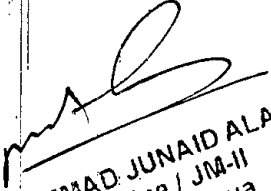
Whether the correct date of birth of plaintiff according to school record is 05.05.2001, while defendants have incorrectly entered the same 01.01.1987 in their record? OPP

The plaintiffs alleged in his plaint that correct date of birth of plaintiff is 05.05.2001, while

  
MUHAMMAD JUNAID ALAM  
Civil Judge / JM-II  
Orakzai at Kalaya

defendants have incorrectly entered the date of birth of plaintiff is 01.01.1987 in their record, which is wrong, ineffective upon the right of the plaintiff and liable to correction.

The plaintiff produced two witnesses in whom the one Rehman Said son of Muhammad Said, the attorney for plaintiff, appeared and deposed as PW-01. He produced his special power of attorney which is Ex. PW-1/1. He stated that plaintiff is matriculate and produced the Matric DMC is Ex. PW-1/2. He also produced the copy of his CNIC which is Ex. PW-1/3. He further stated that plaintiff is younger amongst his brothers and sisters. He further stated that his correct date of birth is 05.05.2001, while defendants have incorrectly entered the same as 01.01.1987 in their record. He lastly requested for decree of the suit.

  
MUHAMMAD JUNAID ALAM  
Civil Judge / JM-II  
Orakzai at Kalaya

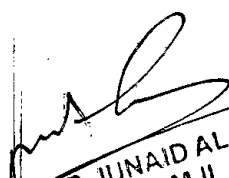
During cross examination he stated that plaintiff has four brothers and one of them is died. He further stated that plaintiff is matriculate.

Javid Khan son of Ameer Muhamamd, appeared and deposed as PW-02. He produced his copy of CNIC which is exhibited as Ex. PW-2/1. He supported the stance of plaintiff as previously

36

narrated in the plaint. He lastly requested for decree of the suit. During cross examination nothing contradictory has been extracted out of him. Thereafter, plaintiff closed his evidence with a note.

In order to counter the claim of the plaintiff, defendants produced only one witness, the representative of the defendants namely Iftikhar, who appeared as DW-01. He produced family tree of plaintiff which consists of two pages, which are Ex. DW-1/1 & Ex. DW-1/2. He stated that as per family tree the date of birth of plaintiffs is correctly mentioned. He further stated that as per NADRA SOP date of birth can be changed on Matric Certificate. During cross examination he stated that it is correct that according to Ex. PW-1/2(Provisional and Detailed Marks Certificate), the date of birth of plaintiff is mentioned as 05.05.2001. It is further correct that according to NADRA SOPs date of birth can be changed to five years. Thereafter, representative for defendants closed his evidence with a note.

  
MUHAMMAD JUNAID ALAM  
Civil Judge / JM-II  
Orakzai at Kalaya

In light of above discussion as plaintiff succeeded to prove his stance by producing

documentary, cogent, convincing and reliable evidence and nothing in rebuttal has been brought on record by the opposite party. Furthermore, it is also pertinent to mention here that plaintiff produced the verified DMC duly verified by the Controller of Examinations Board of Intermediate & Secondary Education Kohat, which clear shows that the correct date of birth of plaintiff is 05.05.2001. Hence, in light of above discussion, the issue in hand is hereby decided in positive in favor of plaintiff and against defendants.

**Issue No. 01 & 03:**

**Whether the plaintiff has got a cause of action?**

**OPP**

**Whether the plaintiff is entitled to the decree as prayed for?**

Both these issues are interlinked, hence, taken together for discussion.

As sequel to my findings on issue no. 02 the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Thus, both these issues are decided in positive.

**RELIEF:**

As sequel to my above issue wise findings, the suit of the plaintiff is hereby **decreed** as prayed

38

for. No order as to costs. This decree shall not effect the rights of other person(s) or service record if any.

File be consigned to the District Record Room, Orakzai after its completion and compilation.

**Announced**  
**24.02.2025**



**Muhammad Junaid Alam,**  
Civil Judge-II,  
Tehsil Court, Kalaya, Orakzai

**CERTIFICATE**

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



**Muhammad Junaid Alam,**  
Civil Judge-II,  
Tehsil Court, Kalaya, Orakzai