

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

Suit No.....116/1 of 2024.

Date of Institution.....23.12.2024.

Date of decision.....05.03.2025.

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1. Mutajir Ali S/O Noor Wazir R/O Qoam Mani Khel, Tappa Sabzi Khel, P/O Kalaya, Tehsil Lower, District Orakzai.

.....(Plaintiff)

**Versus**

1. Regional Director, NADRA Phase-V, Hayatabad, Peshawar  
2. Chairman, Board of Intermediate & Secondary Education, Kohat.

.....(Defendants)

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**SUIT FOR DECLARATION & PERMANENT INJUNCTION.**

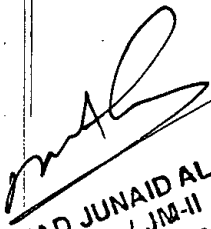
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**JUDGEMENT**

**05.03.2025**

Through this judgement I am going to dispose of the instant suit filed by plaintiff against defendants for declaration and permanent injunction.

Brief facts of the case are that plaintiff namely Mutajir Ali has brought the instant suit for declaration cum-permanent injunction against Regional Director, NADRA & Chairman Board of Intermediate & Secondary Education, Kohat to effect that correct date of birth of plaintiff is **15.12.2006**, however; it is wrongly entered in his CNIC & DMC issued by the defendants as **15.12.2009** which entry is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. That defendants were asked time and again to rectify date of birth of plaintiff accordingly but in vain, hence the present suit.

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

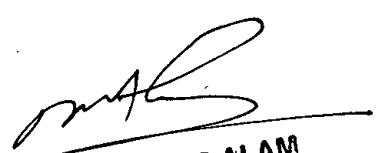
After institution of the suit, defendants were summoned. Defendant No.1 mark his attendance before the court while defendant No.2 absent despite service therefore, placed and proceeded ex-parte. Representative for defendant No.1 filed written statement, which is placed on file. In the written statement the defendant No.1 have raised several legal and factual objections.

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 a cause of action? OPP
2. Whether the correct date of birth of plaintiff is 15.12.2006, however, defendants have incorrectly entered the same as 15.12.2009? OPP
3. Whether plaintiff is entitled to the decree as prayed for? OPP
4. Relief?

Issues wise findings of this court are as under:

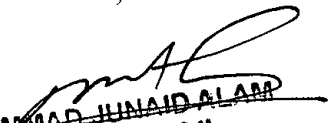
  
MUHAMMAD JUNAID ALAM  
Civil Judge / JM-II  
Orakzai at Kalaya

### Issue No.2:

Whether the correct date of birth of plaintiff is 15.12.2006, however, defendants have incorrectly entered the same as 15.12.2009? OPP

The plaintiff stated in his plaint that correct date of birth of plaintiff is 15.12.2006 while defendants have incorrectly entered the same as 15.12.2009 in their record, which is wrong, ineffective upon the rights of plaintiff and liable to be rectified.

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.

  
MUHAMMAD JUNAI DALAM  
Civil Judge / JM-II  
Orakzai at Kalaya

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.

During course of recording evidence, plaintiff himself appeared and deposed as PW-01. He produced Hospital Birth Certificate, which is Ex.PW-1/1. His Smart Card is Ex.PW-1/2 & DMC is Ex.PW-1/3. He stated that when he shifted to Peshawar they realized the actual date of birth. He further stated that his mother told him that one of his sister namely Afshan Haider is Six years younger than him. He lastly requested for decree of suit in his favour. During cross examination he stated that he has made his CNIC on Form-B. He further stated in his cross examination that has birth certificate issued by Hospital. My is illiterate lady and she made Form-B for me.

Tahseena Jan, mother of plaintiff appeared and recorded her statement as PW-02. She stated that correct date of birth of her son/plaintiff is 15.12.2006. She further stated that one of my daughter namely Afshan Haider is Six years younger than plaintiff. Copy of her CNIC is Ex.PW-2/1. During cross examination nothing contradictory has been extracted out of her.

Rayat Ali, maternal uncle of plaintiff appeared and recorded his statement as PW-03. He stated that correct date of birth of plaintiff is 15.12.2006 while defendants have incorrectly entered the same as 15.12.2009. Correct date of birth of plaintiff per Hospital Birth

Certificate is 15.12.2006 and plaintiff is six years younger than one of his sister Afshan Haider. Copy of his CNIC is Ex.PW-3/1. During cross examination nothing contradictory has been extracted out of him.

Nothing contradictory could be brought on record from PWs.

Ifthikar Ahmad (Representative of NADRA) appeared as DW-01. He produced Family Tree of plaintiff consist of two pages which are Ex.DW-1/2, Ex.DW-1/3. As per family tree plaintiff has shown himself as illiterate. He lastly requested for dismissal of suit of plaintiff. During cross examination he stated that date of birth can be changed after correction academic documents. He produced documentary evidence in support of his claim in shape of Hospital Birth Certificate as Ex.PW-1/1 as per which date of birth of plaintiff is recoded as 15.12.2006. If date of birth of plaintiff is not modified/rectified in light of Hospital Birth Certificate, he will face inconvenience. Hence, issue in hand is decided in favor of plaintiff against the defendants.

My issue wise findings are as under: -

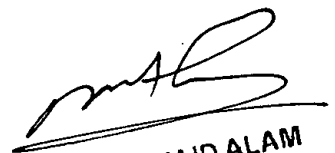
**ISSUE NO.1 & 3:**

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

As sequel to my findings, on issue No.2 the plaintiff has got a cause of action and therefore, entitled to the decree as prayed for. Thus both these issues decided in positive.

**RELIEF.**

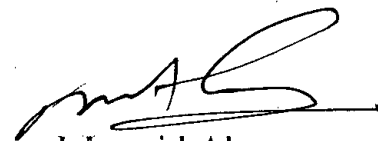
Crux of my issue wise discussion is that suit of plaintiff is hereby decreed in his favor against the defendants as explained above.

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

No order as to costs. This decree shall not affect rights of any other person interested, if any.

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

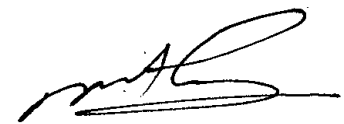
**ANNOUNCED**  
**05.03.2025**



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

**CERTIFICATE**

It is certified that this judgment consists of 05 pages. Each page has been dictated, read, corrected and signed by me.



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