

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

Suit No.....9/1 of 2025.

Date of Institution.....13.02.2025.

Date of decision.....12.03.2025.

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Liaqat Ali S/O Darwish Ali R/O Qaum Mani Khel, Tappa Bada Khel,  
Kalaya Lower District Orakzai .....(Plaintiff)

Versus

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

.....(Defendants)


**SUIT FOR DECLARATION & PERMANENT INJUNCTION.**

**JUDGEMENT**

**12.03.2025**

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

Brief facts of the case are that plaintiff brought the instant suit for declaration cum-permanent injunction to effect that correct date of birth of plaintiff according to school leaving certificate is **10.05.1993**, however; it is wrongly entered in the record of defendants as **10.03.1989** which is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. That defendants were asked time and again to do the needful but in vain, hence the present suit.

  
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After institution of the suit, defendants were summoned, who marked their attendance through representative and contested the suit by filing written statement. In the written statement the defendants have raised several legal and factual objections.

From divergent pleadings of the parties; the followings issues were framed for adjudication of real controversy between the parties.

**ISSUES**

1. Whether plaintiff has got cause of action? OPP
2. Whether correct date of birth of plaintiff according to school leaving certificate is 10.05.193 while defendants have incorrectly entered the same as 10.03.1989? OPP
3. Whether plaintiff is entitled to the decree as prayed for? OPP
4. Relief?

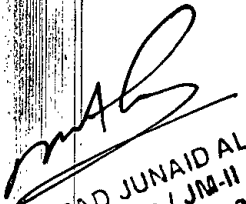
Upon submission of list of witnesses, both the parties on being provided with an opportunity to adduce their desired evidence, the parties produced their evidence.

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.

My issue wise findings are as under: -

**ISSUE NO.02.**

During course of recording evidence, special attorney for plaintiff in support of his claim and contention appeared and deposed

  
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as PW-01 and reiterated the averments of plaint. He stated that plaintiff is his real brother. Copy of his CNIC is Ex.PW-1/1. Photocopy of CNIC of plaintiff is Ex-PW-1/2. He also produced original school leaving certificate of plaintiff. He further stated that one of his brother namely Abid Ali is younger than plaintiff. FRC is Ex-PW-1/3. Photocopy of school leaving certificate is Ex.PW1/4. He lastly requested for decree of suit. During cross examination, he stated that they are 08 brothers and sisters. He further stated that plaintiff is younger than one Abid Ali and him. Nothing contradictory has been extracted out of him.

Adnan Ali/co-villager of plaintiff appeared and deposed as PW-02. He stated that correct date of birth of plaintiff is 10.05.1993. Copy of his CNIC is Ex. PW-2/1. He lastly requested of decree of suit of plaintiff as prayed for. During cross examination he stated that plaintiff is his relative. He further stated that plaintiff is younger than Abid Ali and Shirkat Ali.

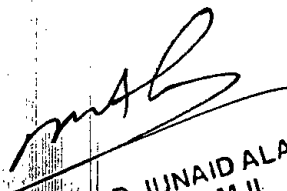
Muhammad Yasir, appeared and deposed as PW-03. He stated that correct date of birth of plaintiff as per our school leaving certificate is 10.05.1993. Copy of his CNIC is Ex. PW-3/1. During cross examination he stated that he is teacher at Orakzai Adil School. He further stated that plaintiff is the student of Orakzai Adil School. The witness has been cross examined but nothing contradictory has been extracted out of him. Thereafter, evidence of plaintiff was closed.

  
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Iftexhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produce family tree of plaintiff consist of 02 pages are Ex.DW-1/1 and Ex.DW-1/2 respectively. He stated that plaintiff has been issued CNIC as per information provided by him. As per family tree correct date of birth of plaintiff is 10.03.1989. He lastly requested for dismissal of suit of plaintiff. During cross examination, he stated that as per FRC record plaintiff is the brother of Shirkat Ali.

Claim of plaintiff is that his true and correct date of birth is **10.05.1993**, but defendants have incorrectly recorded the same as **10.03.1989** in their record, which is wrong and liable to be rectified. Special attorney for plaintiff produced school leaving certificate of plaintiff as per which date of birth of plaintiff is **10.05.1993**. Oral evidence produced by plaintiff is also supportive to the averments of plaint. Defendants failed to establish that the exhibited record in favor of plaintiff is managed or manipulated one. Plaintiff is a young person and could not be presumed to have instituted the suit for any undue advantage or ulterior motive. Plaintiff produced cogent, convincing and reliable documentary as well as oral evidence in support of his claim and contention.

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 **10.05.1993**, which is also recorded in his school leaving certificate. Issue decided accordingly.

  
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**ISSUES NO.1 & 3.**

In the light of foregoing discussion, plaintiff has proved his stance through cogent, convincing and reliable documentary and oral evidence; therefore, he 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 his favor against the defendants as prayed for. No order as to costs. 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**

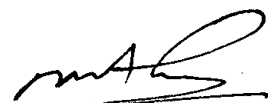
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**CERTIFICATE**

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



Muhammad Junaaid Alam  
Civil Judge-II, Tehsil, Kalaya