

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

Suit No.....21/1 of 2025.

Date of Institution.....26.02.2025.

Date of decision.....17.03.2025.

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Saji Gul S/O Biland Khan R/O Qaum Othman Khel, Tappa Branka
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)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION.

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JUDGEMENT

17.03.2025

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


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

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 DMC is **07.05.2006**, however; it is wrongly entered
in the record of defendants as **01.05.2005** 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.

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 DMC is 07.05.2006 while defendants have incorrectly entered the same as 01.05.2005? OPP
3. Whether plaintiff is entitled to the decree as prayed for? OPP
4. Relief?


MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
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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 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, plaintiff himself appeared and deposed as PW-01 and reiterated the averments of plaint. He stated that his correct date of birth according to Matric DMC is 07.05.2006. Copy of his CNIC is Ex.PW-1/1. Copy of Matric DMC is Ex.PW-1/2. Copy of FSC DMC is Ex.PW-1/3.

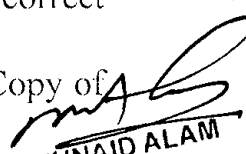
During cross examination, he stated that CNIC annexed with the plaint is his first CNIC. He further stated that he did not brought his school documents to NADRA office. He stated that he is not in possession of birth certificate issued by union council.

Biland Khan father of plaintiff appeared and deposed as PW-02. He stated that plaintiff is his son. He further stated that correct date of birth mentioned in the school documents of plaintiff. Copy of his CNIC is Ex.PW-2/1.

During cross examination he stated that plaintiff is his son. He stated that he do not know that whether he alongwith plaintiff went to the NADRA office.

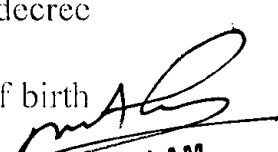
Wali Khan, appeared and deposed as PW-03. He stated that plaintiff is his nephew and he is an educated person. He further stated correct date of birth of plaintiff is mentioned in the school record of plaintiff. Copy of his CNIC is Ex.PW-3/1.

During cross examination he stated that plaintiff is an educated person. He further stated that plaintiff do not made any passport. Thereafter, evidence of plaintiff was closed.


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Iftekhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produced old CNIC of plaintiff, registration form of birth certificate are Ex. DW-1/1 and Ex. DW-1/3 respectively. He stated that plaintiff has been obtained his first CNIC on 11.09.2018 where plaintiff shown himself as an illiterate. He further stated that plaintiff along with his father came to the NADRA office and father of plaintiff verified the same through his biometric. Plaintiff made his second CNIC as per Birth Certificate issued by Union Council. He lastly requested for dismissal of suit of plaintiff.

During cross examination, he stated that he has seen the original school documents of plaintiff. As per school documents correct date of birth of plaintiff is 07.05.2006. He further stated that as per school documents produced by plaintiff, if this Court decree the suit in favor of plaintiff they may have rectified the date of birth of plaintiff as 07.05.2006.


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Claim of plaintiff is that his true and correct date of birth as per school record is **07.05.2006**, but defendants have incorrectly recorded the same as **01.05.2005** in their record, which is wrong and liable to be rectified. Plaintiff produced Matric DMC of plaintiff as per which date of birth of plaintiff is **07.05.2006**. Oral evidence produced by plaintiff is also supportive to the averments of plaintiff. 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 07.05.2006, which is also recorded in his Matric DMC. Issue decided accordingly.

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
17.03.2025



Muhammad Junaid Alam
Civil Judge-II Tehsil Court Kalaya

CERTIFICATE

It is certified that this judgment consists of 06 pages. Each page has been dictated, read, corrected and signed by me.



Muhammad Junaid Alam
Civil Judge-II Tehsil Court Kalaya