

IN THE COURT OF MUHAMMAD JUNAID ALAM

Civil Judge-II, Kalaya, Orakzai

Suit No.....28/1 of 2025.

Dated of institution.....10.03.2025.

Date of Decision.....22.04.2025.

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Arab Khan S/O Umar Khan resident of Qoum Bezot, Tappa
Metakhan, Tehsil Lower District Orakzai.

.....(Plaintiff)

Versus

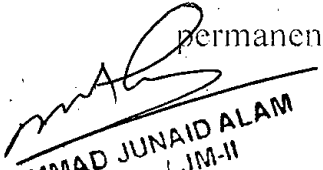
1. Chairman NADRA, Islamabad.
2. Director General NADRA, Khyber Pakhtunkhwa, Hayatabad.
3. Assistant Director NADRA, District Orakzai.

.....(Defendants)

SUIT FOR DECLARATION & PERMANENT JUNCTION**JUDGEMENT**

22.04.2025

Through this judgement, the Court intends to dispose of the instant suit filed by plaintiff namely Arab Khan against defendants Chairman NADRA, Islamabad and two others for declaration and permanent injunction.


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Civil Judge / JM-II
Orakzai at Kalaya

Brief facts in the backdrop are that plaintiff has filed the instant suit for declaration cum-permanent injunction to the effect that correct date of birth of plaintiff according to Admission & Withdrawal register of The Knowledge Academy Jalaka Mela is **15.12.1991** while defendants have incorrectly and wrongly entered the same as 01.01.1982 which entries are

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 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:

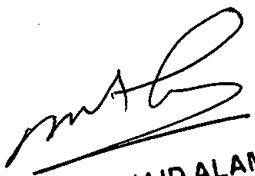
ISSUES:

1. Whether plaintiff has got cause of action? OPP
2. Whether correct date of birth of plaintiff according to school record is 15.12.1991 however defendants have incorrectly entered the same as 01.01.1982? OPP
3. Whether plaintiff is entitled to the decree as prayed for? OPP
4. Relief.

Issue wise findings of this court as under: -

ISSUES NO.2

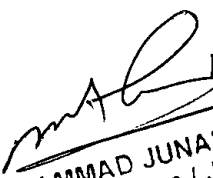
Whether correct date of birth of plaintiff according to school record is 15.12.1991? OPP


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The plaintiff alleged in his plaint that correct date of birth of plaintiff according to school record is 15.12.1991 while defendants have incorrectly and wrongly entered the same is 01.01.1982, which entries are wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified.

Plaintiff produced four witnesses in support of their claim while defendants produced one witness in defense.

Muhsin Ullah appeared and recorded his statement as PW-01. He produced original admission & withdrawal register of plaintiff (original seen and returned). As per admission & withdrawal register the date of birth of plaintiff mentioned as 15.12.1991 at serial No.215. He stated that plaintiff enrolled in class 7th and leave the school at class 8th. Copy of admission & withdrawal is Ex.PW-1/1. Copy of his CNIC is Ex.PW-1/2. During cross examination he stated that he is posted as coordinator. Today, he produced admission & withdrawal register of plaintiff. As per withdrawal register date of birth of plaintiff recorded as 15.12.1991. Father name of plaintiff is Umar


Khan
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Umar Khan father of plaintiff appeared and recorded his statement as PW-02. He stated that correct date of birth of plaintiff is 15.12.1991. Copy of his CNIC is Ex.PW-2/1. During cross examination he stated that he was not went to NADRA Office with plaintiff. He recorded date of birth of plaintiff 15.12.1991 in school. He admitted plaintiff in "The Knowledge Academy Jalaka Mela".

Jangriz Khan appeared and recorded his statement as PW-03. He stated that correct date of birth of plaintiff is 15.12.1991. Correct father

name of plaintiff is Umar Khan. Copy of his CNIC is Ex.PW-3/1. During cross examination he stated that plaintiff is his co-villager. Plaintiff was born at the end of year 1991. Father name of plaintiff is Umar Khan.

Arab Khan himself appeared and recorded his statement as PW-04. He stated that his correct date of birth is 15.12.1991 and the same is mentioned in admission & withdrawal register at serial No.215 of "The Knowledge Academy Jalaka Mela". Copy of admission & withdrawal register already exhibited as Ex.PW-1/1. Copy of his CNIC as Ex.PW-4/1. During cross examination he stated that his correct date of birth according school record as 15.12.1991. He is the student of class 8th.

Thereafter, evidence of plaintiff was closed.


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Iftekhhar Ahmad (Representative of NADRA, Orakzai) appeared as DW-01. He produced family tree of plaintiff Ex. DW-1/1, Ex.DW-1/2 & Registration Form is Ex. DW-1/3, Ex.DW-1/4. As per family tree correct date of birth is 01.01.1990. On 31.07.2017, plaintiff made his first CNIC. Again on 11.03.2022, plaintiff perform biometric. In that time plaintiff has shown himself as illiterate. During cross examination he stated that there is no sign or thumb impression of relative of plaintiff on verification form.

Thereafter, evidence of defendants was closed.

Keeping in view the above discussion, documentary as well as oral evidence available on file, it is held that date of birth of plaintiff according to school record is **15.12.1991**. Hence, issue decided in favour of plaintiff and against the defendants.

ISSUES NO.1 & 3.

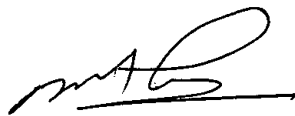
In the light of foregoing discussion, plaintiff has proved his stance through cogent, convincing and reliable documentary and oral evidence, therefore, he has got a cause of action and is entitled to the decree, as prayed for. Both these issues are decided in positive in favor of plaintiff.

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 cost. This decree shall not affect the rights of other persons interested, if any.

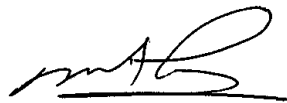
File be consigned to record room after its necessary completion and compilation.

ANNOUNCED
22.04.2025


Muhamad Junaid Alam
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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.


Muhamad Junaid Alam
Civil Judge-II, Kalaya, Orakzai