

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

Suit No.....49/1 of 2025.

Date of Institution.....21.04.2025.

Date of decision.....06.05.2025.

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Naveed Ahmad S/O Khyber Gul R/O Qaum Feroz Khel, Tappa  
Qasim Khel, Lower District Orakzai .....(Plaintiff)

Versus

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

.....(Defendants)

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**SUIT FOR DECLARATION & PERMANENT INJUNCTION.**


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**JUDGEMENT**

**06.05.2025**

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 as per birth certificate  
correct date of birth of plaintiff is **03.04.2003**, however; it is wrongly  
entered in the record of defendants as **03.03.2008** 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 birth certificate is 03.04.2003 while defendants have incorrectly entered the same as 03.03.2008? OPP
3. Whether plaintiff is entitled to the decree as prayed for? OPP
4. Relief?

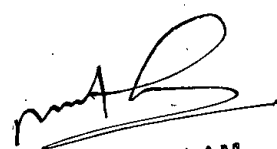
Upon submission of list of witnesses, both the parties on being provided with an opportunity to adduce their desired evidence, the parties produced their evidence.

After the completion of evidence, arguments on behalf of representative of defendants heard and record of the case file was gone through with his valuable assistance.

My issue wise findings are as under: -

**ISSUE NO.02.**

During course of recording evidence, Ihsan Ullah appeared and deposed as PW-01. He stated that plaintiff is his cousin and his

  
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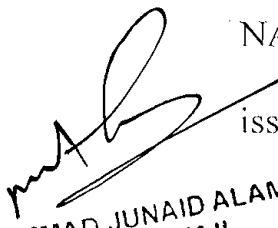
correct date of birth as per birth certificate is 03.04.2003. Copy of his CNIC is Ex.PW-1/1. During cross examination nothing contradictory has been extracted out of him.

Khyber Gul father of plaintiff appeared and deposed himself as PW-02. He stated that plaintiff is his son and his correct date of birth is 03.04.2003. Copy of his CNIC is Ex.PW-2/1. During cross examination he stated that plaintiff is his elder son. He further stated that beside plaintiff he has other children as well.

Plaintiff himself appeared and deposed as PW-01 and reiterated the averments of plaint. He stated that his correct date of birth is 03.04.2003. Photocopy of his CNIC is exhibited as Ex-PW-3/1, He also produced photocopy of his birth certificate is Ex-PW-3/2. He lastly requested for decree of suit. During cross examination he stated that he is not in possession of birth certificate at that time. No one performed his biometric. The witness has been cross examined but nothing contradictory has been extracted out of him. Thereafter, evidence of plaintiff was closed.

Iftexhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. Per registration form date of birth of plaintiff record as 03.03.2008. During cross examination he stated that as per NADRA SOPs date of birth could be changed as per birth certificate issued by Union Council.

Claim of plaintiff is that according to birth certificate his true and correct date of birth is **03.04.2003**, but defendants have incorrectly recorded the same as **03.03.2008** in their record, which is

  
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wrong and liable to be rectified. Plaintiff produced birth certificate. As per which correct date of birth of plaintiff recorded as 03.04.2003. 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.

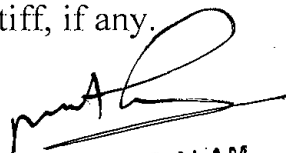
Keeping in view the above discussion and documentary as well as oral evidence available on file, it is held that correct date of birth of plaintiff is **03.04.2003**, which is also recorded in his birth certificate. Issue decided accordingly.

**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.**

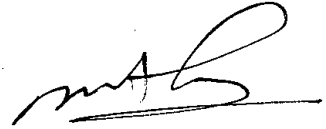
Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in his favor against the defendants as prayed for. No order as to costs. This decree shall not affect the rights of any other person interested, if any or service record of plaintiff, if any.

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

ANNOUNCED


06.05.2025



Muhammad Junaid Alam  
Civil Judge-II Tehsil Court Kalaya

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, Tehsil, Kalaya