

**IN THE COURT OF MUHAMMAD JUNAID ALAM**  
Civil Judge-II, Kalaya, Orakzai

Suit No.....27/1 of 2025.

Dated of institution.....10.03.2025.

Date of Decision.....07.04.2025.

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Arshad Khan S/O Jani Khel resident of Qoum Mishti, Tappa  
Darvi Khel, Tehsil Lower District Orakzai.

.....(Plaintiff)

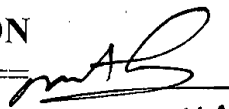
**Versus**

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

..... (Defendants)

**SUIT FOR DECLARATION & PERMANENT JUNCTION**

**JUDGEMENT**  
07.04.2025

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

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

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 DMC is **05.02.1999** while defendants have incorrectly and wrongly entered the same as 01.01.1990 which entries are wrong, illegal and ineffective upon the

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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:**

  
MUHAMMAD JUNAID ALAM  
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1. Whether plaintiff has got cause of action? OPP
2. Whether correct date of birth of plaintiff according to Matric DMC is 05.02.1999 however defendants have incorrectly entered the same as 01.01.1990? 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 DMC is 05.02.1999? OPP


The plaintiff alleged in his plaint that correct date of birth of plaintiff according to DMC is 05.02.1999 while defendants have incorrectly and wrongly entered the same is 01.01.1990, which entries are wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified.

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

Arshad Khan himself appeared and recorded his statement as PW-01. He stated that his correct date of birth is 05.02.1999 while defendants have incorrectly entered the same is 01.01.990. He further stated that first CNIC issue to him in the year of 2010. Copy of his CNIC is Ex.PW-1/1. Copy DMC is Ex.PW-1/2. Copy of secondary school certificate is Ex.PW-1/3. Provisional certificate is Ex.PW-1/4. He lastly requested to decree in his favor against the defendants.

During cross examination he stated that no one went to NADRA Office for obtaining his first CNIC. His correct date of birth entered in the school record by school teacher. It is correct that I have passed matriculation from Tooti Bagh School. He went to NADRA Office for obtaining his first CNIC but defendants refused.

Muhammad Ayaz, cousin of plaintiff appeared and deposed as PW-02. He stated that plaintiff is his cousin. He further stated that plaintiff is a regular student. Correct date of birth of plaintiff is 05.02.1999. Plaintiff received his first CNIC in the year of 2010. Copy of


  
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his CNIC Ex.PW-2/1. He lastly requested to decree suit in favor of plaintiff against the defendants.

During cross examination he stated that plaintiff has a brother and sister. Plaintiff father has been died. Plaintiff is matriculate. Plaintiff has passed matriculation from Tooti Bagh School. Nothing contradictory could brought out of him.

Thereafter, evidence of plaintiff was closed.

Iftekhhar Ahmad (Representative of NADRA, Orakzai) appeared as DW-01. He produced family tree of plaintiff Ex. DW-1/1. Registration Form is Ex. DW-1/2. As per family tree correct date of birth is 01.01.1990. On 16.01.2023, plaintiff add "Khan" with his name and his mother performed biometric. In that time plaintiff has shown himself as illiterate. He lastly requested for dismissal of the suit.

  
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During cross examination he stated that according to NADRA SOPs rectification/modification can be made as per Matric DMC. I have seen the original documents of plaintiff. As per school documents the date of birth of plaintiff recorded is 05.02.1999.

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 DMC is **05.02.1999**. 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**

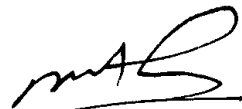
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**CERTIFICATE**

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