

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

Suit No.....107/1 of 2024.

Date of Institution.....04.12.2024.

Date of decision.....10.02.2025.

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Liaqat Ali S/O Anwar Ghulam R/O Qaum Bar Muhammad Khel,
Tappa Abdul Aziz Khel, Lower District Orakzai(Plaintiff)

Versus

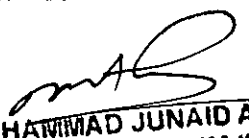
1. Director General NADRA, Khyber Pakhtunkhwa, Peshawar
.....(Defendants)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION.

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Through this judgement I am 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 is **21.03.1989**, however; it is wrongly entered in the record of defendants as **21.03.1983** 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 is 21.03.1989 while defendants have incorrectly entered the same as 21.03.1983? 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, plaintiff in support of his claim and contention himself appeared and deposed as PW-01 and reiterated the averments of plaint. Photocopy of his CNIC is exhibited as Ex-PW-1/1, He also produced photocopy of his brother


MUHAMMAD JUNAID ALAM
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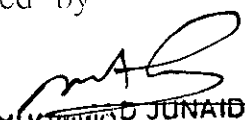
is Ex-PW-1/2. He lastly requested for decree of suit. During cross examination nothing contradictory has been extracted out of him.

Sajid Ali brother of plaintiff appeared and deposed as PW-02. Copy of his CNIC is Ex. PW-2/1. He lastly requested of decree of suit of plaintiff as prayed for.

Lal Wari Jan, mother of plaintiff appeared and deposed as PW-03. Copy of her CNIC is Ex. PW-3/1. She stated that she is illiterate lady. She further stated that her son Liaqat Ali (plaintiff) is 03 years younger than his brother Gul Wali Khan. She also supported plea of plaintiff. 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. 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 plaintiff and lastly requested for dismissal of suit of plaintiff.

Claim of plaintiff is that his true and correct date of birth is **21.03.1989**, but defendants have incorrectly recorded the same as **21.03.1983** in their record, which is wrong and liable to be rectified. Plaintiff produced the copy of his brother CNIC whose date of birth is 05.07.1985 while the date of birth of plaintiff is **21.03.1989**, according to which the Gul Wali is three years elder than the plaintiff. Oral evidence produced by plaintiff is also supportive to the averments of plaint. Defendants failed to establish that the exhibited


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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 **21.03.1989**, which is also recorded in his CNIC. 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
10.02.2025.


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