

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

Suit No.....58/1 of 2025.

Date of Institution.....05.05.2025.

Date of decision.....25.06.2025.

Khial Meena Jan W/O Ali Faqeer R/O Qaum Bar Muhammad Khel,
Tappa Khwaidad Khel, Dargai, Kuriz Lower District Orakzai.
.....(Plaintiff)

Versus

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


.....(Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION.

Judgement:

25.06.2025

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


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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 **01.07.1973** and correct parents name of plaintiff is **Sinjab Ali**
and **Hayan Sultan** however; it is wrongly entered in the record of
defendants as **1971, Gulab Ali and Japan Sultan** which 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.

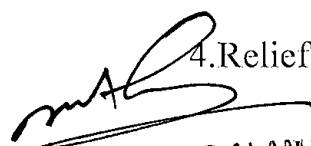
After institution of the suit, defendants were summoned, who marked their attendance through representative and contested the suit by filing written statement. In the written statement the defendants have raised several legal and factual objections.

From divergent pleadings of the parties, the followings issues were framed for adjudication of real controversy between the parties.

Upon the application submitted by counsel for plaintiff for correction of date of birth of plaintiff as 01.07.1973 instead of 01.07.1972. Therefore, court deems it appropriate to amend the following issues.

AMENDED ISSUES

1. Whether plaintiff has got cause of action? OPP
2. Whether correct date of birth of plaintiff is 01.07.1973 and correct parent's names of plaintiff is **Sinjab Ali** and **Hayan Sultan** while defendants have incorrectly entered the same as **1971, Gulab Ali and Japan Sultan**? OPP
3. Whether plaintiff is entitled to the decree as prayed for? OPP
4. Relief?


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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.

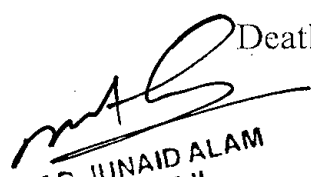
After the completion of evidence, arguments of the learned counsel for the parties were heard and record of the case file was gone through with their valuable assistance.

My issue wise findings are as under: -

ISSUE NO.02.

During course of recording evidence, plaintiff in support of his claim and contention herself appeared and deposed as PW-01 and reiterated the averments of plaint. Photocopy of her CNIC is exhibited as Ex-PW-1/1. Photocopy of CNIC of her sister Ex.PW-1/2. She stated that her correct parents' names is Sinjab Ali and Hayan Sultan which is wrongly entered by defendants in their record as Gulab Ali and Japan Sultan. Death certificate of her father is Ex.PW-1/3 and copy of CNIC of mother of plaintiff is Ex.PW-1/4.

Death certificate of mother of plaintiff is Ex.PW-1/5.


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During cross examination she stated that there is unnatural age of difference with her sister. She further stated that her correct parent's names are Sinjab Ali and Hayan Sultan.

Iqbal Hassan co-villager of plaintiff appeared and deposed as PW-02. He stated that there is unnatural age difference between plaintiff and her sister. Similarly, correct parent's names of plaintiff are Sinjab Ali and Hayan Sultan. Copy of his CNIC is Ex. PW-2/1. He lastly requested of decree of suit of plaintiff as prayed for.

During cross examination he stated that there is unnatural age difference plaintiff with her sister. He further stated that it is correct that correct name of parents are Sinjab Ali and Hayan Sultan.


Thereafter, evidence of plaintiff was closed.

Iftekhhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produced family tree of plaintiff consist of 02

pages are Ex. DW-1/1 and Ex. DW-1/2 respectively. As per family tree of plaintiff parents names of plaintiff are Gulab Ali and Japan Sultan and date of birth recorded as 1971. As per NADRA SOPs it is mandatory to change the names of parents plaintiff have to produce their parents as well as one of his brother or sister for forming biometric. Illiterate citizen can change his/her date of birth as per birth certificate issued by Union Council.

During cross examination he stated that it is correct, that date of birth of Khial Meena Jan (plaintiff) and Fatima Jan recorded as 1971.

Claim of plaintiff is that his true and correct date of birth is **01.07.1973** and correct parent's names of plaintiff is **Sinjab Ali** and **Hayan Sultan** but defendants have incorrectly recorded the same as **1971, Gulab Ali and Japan Sultan, 1971** in their record, which are wrong and liable to be rectified. 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 produced cogent, convincing and reliable documentary as well as oral evidence in support of her claim and contention.


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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 **01.07.1973** and correct parent's names of plaintiff is **Sinjab Ali** and **Hayan Sultan**. 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, she 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.

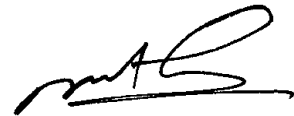
RELIEF.

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

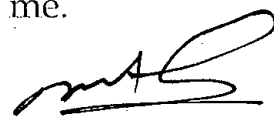
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CERTIFICATE

It is certified that this judgment consists of 05 pages. Each page has been dictated, read, corrected and signed by me.



Muhammad Junaid Alam
Civil Judge-II, Tehsil, Kalaya