

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

Suit No.....25/1 neem of 2024.

Date of Original Institution.....08.03.2025

Date of restoration.....14.05.2025.

Date of decision.....17.06.2025.

= = = = =

Musharaf Shah S/O Naqib Shah R/O Qoum Sheikhan, Tappa
Samoza, Tehsil Central District Orakzai(Plaintiff)

Versus

1. Assistant Director NADRA, Lower Orakzai.
2. Head Master High School Gulistan, Central Orakzai.

.....(Defendants)

=====

SUIT FOR DECLARATION & PERMANENT INJUNCTION.

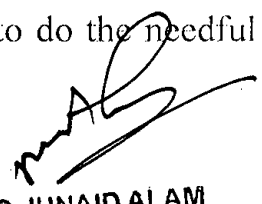
=====

JUDGEMENT:

17.06.2025

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

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 as per school record is **07.04.1987**, however; it is wrongly entered in the record of defendant No.1 as **01.01.1978** which is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. That defendant No.1 were asked time and again to do the needful but in vain, hence the present suit.


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

After institution of the suit, defendants were summoned. Defendant No.1 appeared before the court and marked his 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 school record is 07.04.1987 while defendants have incorrectly entered the same as 01.01.1978? 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: -


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

9

ISSUE NO.02.

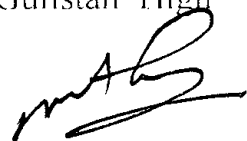
During course of recording evidence, plaintiff in support of his claim and contention himself appeared and deposed as PW-01 and reiterated the averments of plaint. He stated that his correct date of birth as per school record as 07.04.1987. Photocopy of school certificate is exhibited as Ex-PW-1/1. Copy of his CNIC is Ex.PW-1/2. He lastly requested for decree of suit.

During cross examination, he stated that he did not know when he made his first CNIC. He further stated that he gets school leaving certificate in the year 2002. He stated that he brought his school certificate to NADRA Office but they renewed my CNIC as per my old CNIC.

Muhammad Umar relative of plaintiff appeared and deposed as PW-02. He stated that date of birth of plaintiff is correctly mentioned in school certificate as 07.04.1987. Copy of his CNIC is Ex.PW-2/1.

During cross examination he stated that plaintiff is his relative. Date of birth of plaintiff recorded as per school record as 07.04.1987. He further stated that plaintiff was the student of Gulistan High School.

Asad Ullah, appeared and deposed as PW-03. He stated that plaintiff is his neighbor and we both was read in Gulistan High School. Copy of his CNIC is Ex.PW-3/1.


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

During cross examination he stated that plaintiff is his relative/neighbor. He further stated that plaintiff is elder than me. Thereafter, evidence of plaintiff was closed.

Istekhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produced family tree of plaintiff Ex. DW-1/1 to Ex. DW-1/2. Registration form of plaintiff is Ex. DW-1/3. He stated that plaintiff made smart card on 19.10.2018. He lastly requested for dismissal of suit of plaintiff.

During cross examination, he stated that there is no sign on family tree from any authorize person. He further stated that family tree of plaintiff is computer generated. It is correct that school record is preferable over NADRA record.

Claim of plaintiff is that his true and correct date of birth as per school record is **07.04.1987**, but defendant No.1 has incorrectly recorded the same as **01.01.1978** in his record, which is wrong and liable to be rectified. Oral evidence produced by plaintiff is supportive to the averments of plaint. Defendant No.1 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 his claim and contention.


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

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 **07.04.1987**, which is also recorded in his school record. 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 defendant No.1 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.

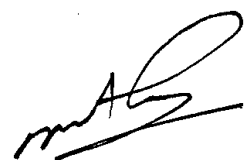
ANNOUNCED
17.06.2025.



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