

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

Suit No.....69/1 of 2025.
Date of Institution.....20.05.2025.
Date of decision.....22.07.2025.
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Rabit Ali S/O Multan Ali R/O Qoum Mani Khel, Tappa Zakarya Khel,
Kalaya, Lower District Orakzai(Plaintiff)

Versus

- 1. Chairman NADRA.
- 2. DG NADRA Khyber Pakhtunkhwa.
- 3. Assistant Director NADRA, Orakzai.
- 4. Board of Intermediate and Secondary Education Kohat.

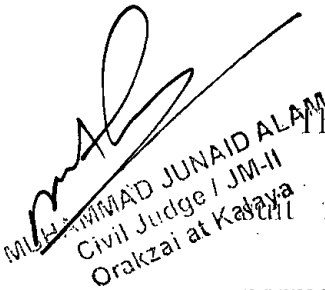
.....(Defendants)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION.

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Judgement:
22.07.2025


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

Through this judgement this court is going to dispose of the instant
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 is 01.07.190, however; it is wrongly entered in the record of
defendant No.1 to 3 as 25.04.1997 while defendant No.4 recorded the
same as 30.04.1997 which are wrong, illegal and ineffective upon the

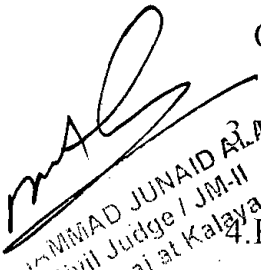
rights of plaintiff and liable to be rectified. That defendants were asked time and again to do the needful but in vain, hence the present suit.

After institution of the suit, defendants were summoned. Defendant No.1 to 03 who mark their attendance through representative and contested the suit by filing authority letter and written statement while defendant No.4 proceeded ex-parte vide order dated: 18.06.2025. In the written statement the representative of defendant No.1 to 03 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 01.07.1990 however defendant No.1 to 03 have incorrectly entered the same as 25.04.1997 while defendant No.4 has incorrectly entered the same as 30.04.1997? OPP


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3. Whether plaintiff is entitled to the decree as prayed for? OPP

4. Relief?

Upon submission of list of witnesses, both the plaintiff and contesting defendants 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 plaintiff and representative of contesting defendants were

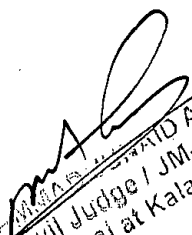
heard and record of the case file was gone through with their valuable assistance.

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. He stated that his correct date of birth is 01.07.1990 but defendant No. 1 to 03 (NADRA record) recorded date of birth as 25.04.1997 while defendant No.4 (board record) recorded as 30.04.1997. Photocopy of his CNIC is exhibited as Ex-PW-1/1. Detail Mark Sheet is Ex.PW-1/2. He further stated that his brother namely Shafqat Ali is 03 years younger to him. During cross examination he stated that he did not know when he obtained his first CNIC. My father is illiterate. He further stated that he did not bring his credential documents to NADRA office. At that time my birth certificate was not obtained. I am 03 years older than shafqat Ali, who is my brother.

Waid Ali brother of plaintiff appeared and deposed as PW-02. He stated that correct date of birth plaintiff is 01.07.1990. He further stated that actually plaintiff is 03 years older than his brother namely Shafqat Ali however in the record of NADRA office Rabit Ali (plaintiff) is 04 years younger than his brother. 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 plaintiff is his

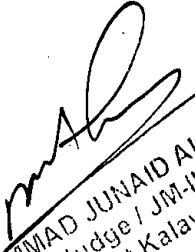

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brother who is 09 years older than me. Plaintiff is 03 years older than his brother Shafqat Ali. I am educated. It is correct that neither plaintiff has Passport nor he is government employee.

Zameen Ali relative of plaintiff appeared and deposed as PW-03. He stated that correct date of birth of plaintiff is 01.07.1990. He further state that plaintiff is 03 years older than his brother namely Shafqat Ali. Copy of her CNIC is Ex. PW-3/1. The witness has been cross examined but nothing contradictory has been extracted out of him. Thereafter, evidence of plaintiff was closed.

Iftekhhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produced family tree of plaintiff Ex. DW-1/1, NADRA registration form is Ex. DW-1/2 and Form-B Ex. DW-1/3. As per above mentioned documents date of birth of plaintiff recorded as 25.04.1997. Plaintiff shows himself in registration form is an illiterate. As per NADRA SOP, in case of more than 05 years change a special approval is required from DG Operation. He lastly requested for dismissal of suit of plaintiff. During the cross examination he stated that it is correct that if the court decreed the suit in favor of plaintiff we will follow the same.

Claim of plaintiff is that his true and correct date of birth is **01.07.1990**, but defendant No.1 to 3 have incorrectly recorded the same as **25.04.1997** while defendant No.4 has incorrectly recorded the same as 30.04.1997 in their record, which are wrong and liable to be rectified. Oral evidence produced by plaintiff is also supportive to the averments of plaint. Defendants failed to establish that the


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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 **01.07.1990**, 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.

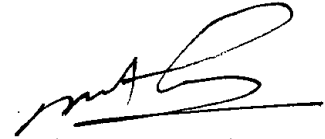
ANNOUNCED
22.07.2025.



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