

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

Suit No.....85/1 of 2025.
Date of Institution.....20.06.2025
Date of decision.....23.07.2025.
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Muhammad Younas S/O Habib Ur Rehman R/O Qaum Feroz Khel,
Tappa Jesal Khel, Lower District Orakzai(Plaintiff)

Versus

- 1. NADRA through Chairman NADRA Islamabad.
- 2. NADRA through Director NADRA Hayat Abad.
- 3. NADRA through Assistant Director NADRA Orakzai.
- 4. NADRA through General Manager NADRA Kalaya Orakzai.

.....(Defendants)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION.

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Judgement:
23.07.2025

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

Through this judgement this court is 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 is **01.01.2004**, however; it is wrongly entered in the record of
defendants as **01.02.2007** 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 01.01.2004 while defendants have incorrectly entered the same as 01.02.2007? 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 Maternal uncle appeared and deposed himself as PW-01. He stated that plaintiff and Mst: Asia Bibi is his nephew. Both the plaintiff and Mst: Asia Bibi are twins by



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birth and their date of birth is 01.01.2004. Copy of his CNIC is Ex.PW-1/1. He lastly requested to decree the suit in favor of plaintiff. During cross examination he stated that plaintiff has 03 brothers and 03 sisters. He further stated that plaintiff and Mst: Asia Bibi are twins by birth. Father of plaintiff and Mst: Asia Bibi is abroad for the last 04 years.

Muhammad Rafiq cousin of plaintiff appeared and deposed himself as PW-02. Plaintiff and Mst: Asia Bibi is his cousins. Both are twins by birth. Correct dates of birth of plaintiff and Mst: Asia Bibi are 01.01.2004. Copy of his CNIC is Ex.PW-2/1. During cross examination he stated that father of plaintiff is abroad from the last 04 years. Plaintiff is illiterate. Plaintiff and Mst: Asia Bibi are twins by birth.

Plaintiff in support of his claim and contention himself appeared and deposed as PW-03 and reiterated the averments of plaintiff. He stated that his correct date of birth is 01.01.2004 while defendants have incorrectly entered the same as 01.02.2007. He further stated that he and his sister Mst: Asia Bibi are twins by birth. Moreover, plaintiff have 02 brother and 03 sisters. His father is abroad for the last 04 years. Photocopy of his CNIC is exhibited as Ex-PW-3/1. He lastly requested for decree of suit. During cross examination he stated that he did not know when he obtained Form-B. I am illiterate. He further state that he did not obtained passport.

Iftekhhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produce family tree of plaintiff of Ex. DW-1/1


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and NADRA registration form Ex.DW-1/2. As per family tree date of plaintiff recorded as 01.02.2007. He stated that plaintiff has been issued Form-B as per information provided by plaintiff and his father perform biometric in this regard and lastly requested for dismissal of suit of plaintiff. During cross examination he stated that it is correct that as per family tree Mst: Asia Bibi is the sister of plaintiff. He further stated that it is correct that plaintiff did not bring birth certificate when he obtained smart card.

Claim of plaintiff is that his true and correct date of birth is **01.01.2004**, but defendants have incorrectly recorded the same as **01.02.2007** in their record, which is 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 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 **01.01.2004**. 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


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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
23.07.2025



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