

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

Suit No.....55/1 of 2025.

Date of Institution.....28.04.2025.

Date of decision.....25.07.2025.

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Ali Raza S/O Hassan Ali R/O Qaum Mani Khel, Tappa Sabzi Khel,
Kalaya Lower District Orakzai(Plaintiff)

Versus

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

.....(Defendants)

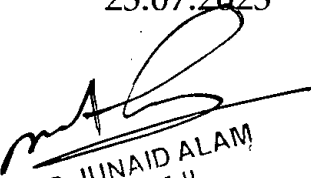
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SUIT FOR DECLARATION & PERMANENT INJUNCTION.

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JUDGEMENT

25.07.2025


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 according to service book is **16.01.1949**, however; it is wrongly entered in the record of defendants as **01.01.1951** 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.

Counsel for plaintiff filed an application to the effect that wrong date of birth of plaintiff was inadvertently mentioned in the plaint as 01.01.1949 instead of 01.01.1951. Representative of defendants mark no objection on the acceptance of said application. Hence, application was allowed vide order No.05 dated: 21.05.2025. Therefore, wrong date of birth of plaintiff

be treated as 01.01.1951 in the light of above mentioned application.


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

ISSUES

1. Whether plaintiff has got cause of action? OPP
2. Whether correct date of birth of plaintiff according to service book is 16.01.1949 while defendants have incorrectly entered the same as 01.01.1951? 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.

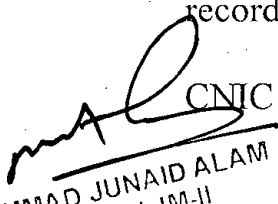
After the completion of evidence, arguments of the learned counsel for the parties were heard and record of the case file was gone through with their valuable assistance.

My issue wise findings are as under: -

ISSUE NO.02.

During course of recording evidence, attorney for plaintiff appeared and deposed as PW-01. He stated that he is the son/special attorney for plaintiff. Correct date of birth of plaintiff as per service record is 16.01.1949 which is Ex.PW-1/1. As per date of birth of plaintiff mentioned in the record of NADRA there is unnatural age difference between plaintiff with his son namely Ali Nawaz whose date of birth recorded as 1965. Copy of CNIC of son of plaintiff is Ex.PW-1/2. Copy of

CNIC of plaintiff is Ex.PW-1/3.


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

During cross examination, he stated that my father (plaintiff) is retired from Levis Force. As per service record correct date of birth of plaintiff is 16.01.1949.

Asad Khan relative of plaintiff appeared and deposed as PW-02. He stated that correct date of birth of plaintiff is 16.01.1949 which is clear from his service record. Copy of his CNIC is Ex.PW-2/1.

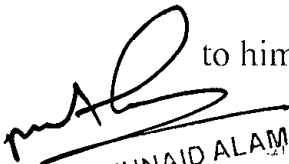
During cross examination he stated that it is correct that plaintiff was in Levis Force. Wife of plaintiff has been died. Plaintiff has two sons and one daughter, who are alive.

Iftekhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produced registration form of plaintiff Ex. DW-1/1 & Ex.

DW-1/2. He stated that plaintiff has been issued CNIC as per information provided by plaintiff and he shown himself as unemployed/jobless. He lastly requested for dismissal of suit of plaintiff.

During cross examination, he stated that it is correct that date of plaintiff is different from date of birth recorded in service record. It is correct that, if this Court decree the suit in favor of plaintiff they may have rectified the date of birth of plaintiff as 16.01.1949.

Waqas Ahmad (representative of District Account Officer) appeared before the court and stated that pension slip issued from DAO office is true and correct, which is Ex. CW-1/1 & authority letter issued to him is Ex. CW-1/2.


MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
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Claim of plaintiff is that his true and correct date of birth as per service record is **16.01.1949**, but defendants have incorrectly recorded the same as **01.01.1951** in their record, which is wrong and liable to be rectified. Attorney for plaintiff produce produced service record of plaintiff as per which date of birth of plaintiff is **16.01.1949**. Oral evidence produced by plaintiff is also supportive to the averments of plaint. 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 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 **16.01.1949**, which is also recorded in his service 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 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.

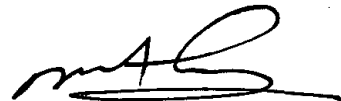
ANNOUNCED
25.07.2025



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 Court Kalaya