

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

Suit No.....97/1 of 2025.

Date of Institution.....16.07.2025.

Date of decision.....13.08.2025.

= = = = =

Shabab Gul S/O Stori Gul R/O Qoum Feroz Khel, Tappa Jissal Khel,
Karital, Lower District Orakzai(Plaintiff)

Versus

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

.....(Defendants)

=====

SUIT FOR DECLARATION & PERMANENT INJUNCTION.

=====

Judgement:

13.08.2025

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

MUHAMMAD JUNAID ALAM
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 **04.04.2005**, however; it is wrongly entered in the record of
defendant No.1 to 04 as **04.04.2009** which are wrong, illegal and
ineffective upon the rights of plaintiff and liable to be rectified. That

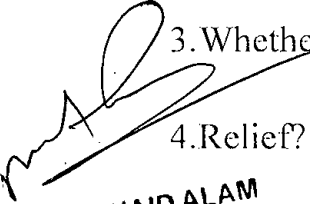
defendants were asked time and again to do the needful but in vain, hence the present suit.

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: 06.08.2025. 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 04.04.2005 however defendant No.1 to 04 have incorrectly entered the same as 04.04.2009? OPP
3. Whether plaintiff is entitled to the decree as prayed for? OPP
4. Relief?


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

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 04.04.2005 but defendants have incorrectly entered the date of birth of plaintiff as 04.04.2009. He further stated that he has five brother and one sister and he is the elder amongst them. He lastly requested for issuance of new CNIC and DMC. Copy of his CNIC is Ex.PW-1/1.

During cross examination he stated that he has not obtained any passport and birth certificate of Union Council. Self-stated that he did not know when he obtained his first CNIC.


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

Abdu Raziq relative of plaintiff appeared and deposed as PW-02. He stated that correct date of birth plaintiff is 01.01.2005 but defendants have incorrectly recorded the same as 04.04.2009. Copy of his CNIC is Ex.PW-2/1.

During cross examination he stated that plaintiff is his relative who is 20 years old. Plaintiff is educated up to matriculate. Plaintiff is elder amongst his brother and sister.

Stori Gul father of plaintiff appeared and deposed as PW-03. He stated that plaintiff is his son and his correct date of birth as

04.04.2005 however defendants entered his date birth in their record as 04.04.2009. Copy of his CNIC is Ex.PW-3/1.

During cross examination he stated that he is illiterate. Plaintiff Shabab Gul is his first son. He further stated that he went to NADRA office alongwith plaintiff. He did not know whether he submit birth certificate or not? Plaintiff is educated up to matric.

Thereafter, evidence of plaintiff was closed.

Iftekhhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produced registration form Ex.DW-1/1, School birth certificate Ex. DW-1/2, Union Council birth certificate form Ex. DW-1/3 and statements of parent Ex. DW-1/4. As per above mentioned documents date of birth of plaintiff recorded as 04.04.2009. He lastly requested for dismissal of suit of plaintiff.

During the cross examination he stated that it is correct that as per NADRA registration form plaintiff is illiterate. It is also correct that plaintiff did not obtain Union Council birth certificate.

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

Claim of plaintiff is that his true and correct date of birth is **04.04.2005**, but defendant No.1 to 04 have incorrectly recorded the same as **04.04.2009** which are wrong and liable to be rectified. Oral evidence produced by plaintiff is also supportive to the averments of plaint. 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 **04.04.2005**. 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.

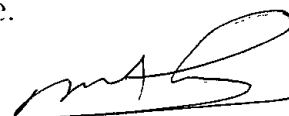
ANNOUNCED
13.08.2025



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