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

Suit No
Date of Institution
Date of decision
Muhammad Salam S/O Islam Khan R/O Qoum Sheikhan, Tappa
Umarzai, Tehsil Central District Orakzai(Plaintiff)
<u>Versus</u>
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.

<u>Judgement:</u> 13.08.2025

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

declaration cum-permanent injunction to effect that correct date of birth of plaintiff as per birth certificate is 10.03.2004, however; it is wrongly entered in the record of defendant No.1 to 4 as 10.03.2005 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: 11.08.2025. 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 10.03.2004 however defendant No.1 to 04 have incorrectly entered the same as 10.03.2005? OPP

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Orakzai at Kalay 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 10.03.2004 which is also correctly recorded in his birth certificate but defendants recorded his date of birth as 10.03.2005. He lastly requested for issuance of new CNIC and Matric DMC. Copy of his CNIC is Ex.PW-1/1.

During cross examination he stated that he did not know when he obtained his CNIC. Self-stated that his CNIC was obtained in the year of 2021. He stated that at the time of obtaining his CNIC, he submitted his Domicile certificate and DMC in NADRA. He further MUHAMMAD JUNAID ALAM AMMAD Judge | JM-II stated that no one went to NADRA office and submitted CNICs of

his parent for filing concerned form.

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Islam Khan father of plaintiff appeared and deposed as PW-02. He stated that plaintiff is his son who born on 10.03.2004 but defendants entered his date of birth as 10.03.2005. He lastly requested of decree of suit in favor of plaintiff. Copy of his CNIC is Ex.PW-2/1.

During cross examination he stated that actual age of his son is 21 years. He is illiterate. His son is matriculate. He did not go with plaintiff to NADRA office.

Khwaj Muhammad Khan uncle of plaintiff appeared and deposed as PW-03. He stated that correct date of birth of plaintiff is 10.03.2004 which also correctly recorded in his birth certificate however, defendants have incorrectly entered his date of birth as 10.03.2005. Copy of his CNIC is Ex.PW-3/1.

During cross examination he stated that plaintiff is matriculate and 21 years old. He further stated that plaintiff passed his matric from Government High School Bazeed Khel.

Thereafter, evidence of plaintiff was closed.

Iftekhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produced NADRA registration form and board enrollment certificate of plaintiff Ex. DW-1/1 and Ex.DW-1/2. As per which date of birth recorded as 10.03.2005. Plaintiff obtained his new Smart Card in the year 2021 as per enrollment certificate of class 9th of Kohat Board as 10.03.2005.

During the cross examination he stated that it is correct that as per birth certificate issued by Union Council date of birth of plaintiff is recorded as 10.03.2004. 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 as per birth certificate is 10.03.2004, but defendant No.1 to 4 have incorrectly recorded the same as 10.03.2005 in their record, which

JUHAMMAD JUNAID ALAN Civil Judge | JM-II Orakzai at Kalaya 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 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 10.03.2004, which is also recorded in his birth certificate. 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.

Civil Judge I JM-II Orakzai at Kalaya

> 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 **06** pages. Each page has been dictated, read, corrected and signed by me.

<u>Muhammad Junaid Alam</u> Civil Judge-II, Tehsil, Kalaya