

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

---

Suit No.....59/1 of 2025.

Date of Institution.....07.05.2025.

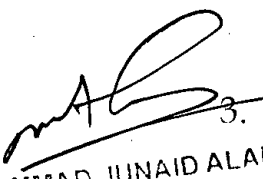
Date of decision.....06.08.2025.

= = = = =

Sawab Khan S/O Bahadar Ali R/O Qaum Mishti,  
Tappa Mamazai, Tagha Sam Tehsil Central District  
Orakzai.....(Plaintiff)

**Versus**

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

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

.....(Defendants)

=====

**SUIT FOR DECLARATION & PERMANENT INJUNCTION.**

=====

**JUDGEMENT**

**06.08.2025**

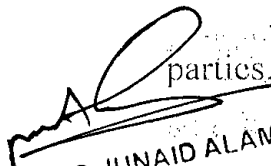
Through this judgement this court is going to dispose of the instant suit filed by plaintiff against the defendants for declaration cum-permanent injunction.

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 **01.01.1985**, however; it is wrongly entered in the record of defendants as **01.01.1982**, while correct

father name of plaintiff is Ali Marjan but defendants have incorrectly entered the same as Bahadar Ali which are wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. That due to this wrong entry, there is unnatural age of about 14 years between plaintiff and his mother namely Minawar Jan whose date of birth is 01.01.1968. That defendants were asked time and again to rectify date of birth of plaintiff 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.

  
 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 is 01.01.1985 while defendants have incorrectly entered the same as 01.01.1982? 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, plaintiff himself appeared and deposed as PW-01. He retreated the averments of plaintiff. He stated that his correct date of birth is 01.01.1985, however, defendants have incorrectly entered the same as 01.01.1982 which is unnatural with his mother. Date of birth of mother of plaintiff is 01.01.1968. He further stated that his correct father name is Ali Marjan, however, defendants have incorrectly written as Bahadar Ali. Copy of his CNIC is Ex.PW-1/1, copy of CNIC of his father Ex.PW-1/2 and copy of CNIC of his mother is Ex.PW-1/3.


During cross examination, he stated that Bahadar is his uncle. It is correct that he has 05 brother and 01 sister. He further stated that neither he is educated nor is a government employee. Bahadar Khan have 04 children. It is correct that his CNIC was obtained by his uncle as his father was in service.

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

Ali Marjan father of plaintiff appeared and deposed as PW-02. He stated that correct date of birth of plaintiff 01.01.1985, however, defendants have incorrectly entered the same as 01.01.1982. He further stated that correct father name of plaintiff is Ali Marjan. Plaintiff is his son. Copy of his CNIC is Ex.PW-2/1.

During cross examination he stated that he was serving at Frontier Core. Plaintiff obtained his CNIC in his absence. It is correct that Bahadar Ali is the uncle of Sawab Khan. It is correct that plaintiff is his elder son. Beside plaintiff he has 04 other sons and 01 daughter.


Mujahid Ullah brother of plaintiff appeared and deposed as PW-03. He stated that plaintiff is his brother. Correct date of birth of plaintiff 01.01.1985, however, defendants have incorrectly entered the same as 01.01.1982. Date of birth of mother of plaintiff is 01.01.1968 which is unnatural with plaintiff. Similarly, correct father name of plaintiff is Ali Marjan however, defendants have incorrectly entered the same as Bahadar Ali.

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

During cross examination he stated that Sawab Khan is elder than him. It is correct that he did not know when plaintiff obtained his first CNIC. He further stated that Bahadar Khan is his uncle. He has total 05 brother alongwith Sawab Khan and 01 sister. Sawab Khan is illiterate.

Iftekhhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produced family tree of plaintiff Ex. DW-1/1, as per which father of plaintiff is written as Bahadar Khan, mother name is Minwar Jan & date of birth is 01.01.1982. Plaintiff amended in his CNIC in the year 2014. And again he amended in the office of Kalaya on 26.07.2020. As per NADRA SOPs changing name of parents, it is necessary to present one of his brother or sister in the office to perform biometric.

During cross examination, he stated that it is correct that in the family tree of plaintiff mother name of plaintiff is Minawar Jan. It is also correct that in CNIC of Minawar Jan, Ali Marjan is mentioned is her husband.

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

Claim of plaintiff is that his true and correct date of birth record is **01.01.1985**, but defendants have incorrectly recorded the same as **01.01.1982** in their record, similarly, correct father name of plaintiff is **Ali Marjan** but defendants have incorrectly entered the same as Bahadar Ali which are 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 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 **01.01.1985** and correct father name of plaintiff is **Ali Marjan**. 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.

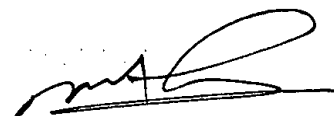
**RELIEF.**

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**

**06.08.2025**



**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 Junaaid Alam  
Civil Judge-II Tehsil Court Kalaya