

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


Suit No.....147/1 of 2025.  
Date of Institution.....19.09.2025.  
Date of decision.....29.10.2025.  
=====

Muhammad Waqas S/O Dilawar Khan R/O Qaum Bezot, Tappa  
Qamber Khel, Dana Khula Lower District Orakzai .....(Plaintiff)

Versus

- 1. NADRA through chairman Islamabad.
- 2. NADRA through DG, Peshawar Khyber Pakhtunkhwa.
- 3. NADRA through AD, District Orakzai.
- 4. NADRA through General Manager Kalaya, Orakzai.
- 5. Board of Intermediate & Secondary Education Kohat, KPK.

.....(Defendants)

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

SUIT FOR DECLARATION & PERMANENT INJUNCTION.

Judgment:  
29.10.2025

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 **03.04.2003**, however; it is wrongly entered in the record of  
defendants as **02.01.2010** 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. Defendants No.1 to 04 marked their attendance through representative and contested the suit by filing written statement while defendant No.05 proceeded ex-party vide order dated: 30.09.2025 despite proper service. In the written statement representative of defendant No.1 to 04 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 03.04.2003 while defendants have incorrectly entered the same as 02.01.2010? 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 counsel for plaintiff and 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

  
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reiterated the averments of plaint. He stated that his correct date of birth is 03.04.2003, however, defendants have incorrectly entered the same as 02.01.2010. He further stated that he is 23 years old. He lastly requested issuance of new ID Card and board certificate. During cross examination he stated that he is educated up to class 9<sup>th</sup>. He further stated that he did not know who obtained his Form-B and I am 23-year-old. He has four brother. His elder brother namely Mazhar Adal date of birth is 2000. Saqib who is his brother is 13-year-old.

Dilawar Khan, father of plaintiff appeared and deposed as PW-03. Copy of her CNIC is Ex. PW-2/1. Date of birth of plaintiff is 03.04.2003 which was inadvertently written in the record of defendants as 02.01.2010. He stated that he is illiterate and did not know about date of birth of his son/plaintiff. The witness has been cross examined. During cross examination he stated that he obtained Form-B for his son since 3 years. Self-stated that he did not know about date of birth and certificate.

  
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Yousaf khan grandfather of plaintiff appeared and deposed as PW-03. He stated that correct date of birth of plaintiff is 03.04.2003 however, defendants have incorrectly entered the same as 02.01.2010. He further state that he is 60 years old and he only know that plaintiff namely Muhammad Waqas is 22/23 years old. Copy of his CNIC is Ex. PW-3/1. During cross examination he stated that plaintiff is 23 years old. Plaintiff is educated up to class 9<sup>th</sup>. He further state that he did not know about the Form-B.

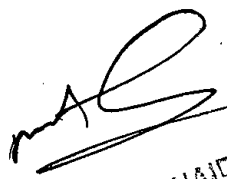
Thereafter, evidence of plaintiff was closed.

Iftekhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produce family tree of plaintiff is Ex.DW-1/1, Form-B registration form is Ex.DW-1/2 and Union council birth certificate is Ex.DW-1/3. As per which date of birth of plaintiff is 01.01.2010. On 01.07.2024, father of plaintiff obtained Form-B as per Union Council Birth Certificate. Plaintiff did not provide any documentary documents regarding his date of birth and lastly requested for dismissal of suit of plaintiff.

During cross examination he stated that he stated that there is no MRV in Orakzai. He further state that Union Council Birth Certificate verify online.

Claim of plaintiff is that his true and correct date of birth is **03.04.2003**, but defendants have incorrectly recorded the same as **02.01.2010** in their record, which is wrong and liable to be rectified.

Plaintiff alongwith others PWs categorically stated that one of brother of plaintiff namely Mazhar Adal, whose date of birth is 2000, according to which the plaintiff is two/three years younger than Mazhar Adal. 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 as well as oral evidence in support of his claim and contention.

  
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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 **03.04.2003**. Issue decided accordingly.

**ISSUES NO.1 & 3.**

In the light of foregoing discussion, plaintiff has proved his stance through cogent, convincing 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.

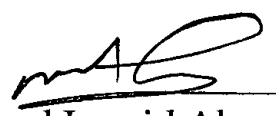
File be consigned to record room after its necessary completion and compilation.

**ANNOUNCED**  
**29.10.2025.**

  
**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**