

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

Suit No.....142/1 of 2025.

Date of Institution.....10.0.2025.

Date of decision.....12.11.2025.

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Munawar Khan S/O Daud Khan R/O Qaum Bar Muhammad Khel,
Tappa Alat Khel, Kadda Bazar 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.

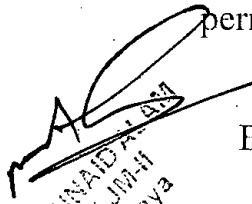
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Judgment:

12.11.2025

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 **02.05.1999**, however; it is wrongly entered in the record of defendants as **02.05.1990** 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.


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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.

ISSUES

1. Whether plaintiff has got cause of action? OPP
2. Whether correct date of birth of plaintiff is 02.05.1999 while defendants have incorrectly entered the same as 02.05.1990? OPP
3. Whether plaintiff is entitled to the decree as prayed for? OPP
4. Relief?

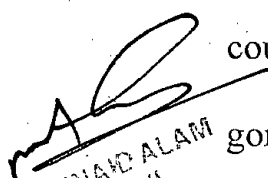
Upon submission of list of witnesses, both the parties on being provided with an opportunity to adduce their desired evidence, the parties produced their evidence.

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 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


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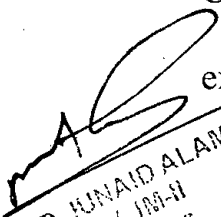
birth as per Polio certificate is 02.05.1999. Polio certificate is Ex.PW-1/1. Defendants have incorrectly date of birth of plaintiff as 02.05.1990. Photocopy of his CNIC is exhibited as Ex-PW-1/2 and FRC is Ex-PW-1/3. He lastly requested for decree of the suit. During cross examination he stated that he and his father is illiterate. It is correct that his CNIC was obtained by his father. He further stated that he did not know that when he obtained his first CNIC. He did not obtain birth certificate.

Momin Khan relative of plaintiff appeared and deposed as PW-02. He stated that correct date of birth of plaintiff is 02.05.1999 while defendants have incorrectly entered the same as 02.05.1990. Copy of his CNIC is Ex. PW-2/1. During cross examination nothing contradictory has been extracted out of him.

Abdul Majan, nephew of plaintiff appeared and deposed as PW-03. He stated that correct date of birth of plaintiff is 02.05.1999 while defendants have incorrectly entered the same as 02.05.1990. Copy of her CNIC is Ex. PW-3/1. The witness has been cross examined but nothing contradictory has been extracted out of him.

Tabi Jan, mother of plaintiff appeared and deposed as PW-04. She stated that correct date of birth of plaintiff is 02.05.1999 however, defendants have incorrectly entered the same as 02.05.1990. She further stated that she has 07 children. Copy of her CNIC is Ex.PW-4/1. During cross examination she stated that she obtained polio card of plaintiff. Plaintiff is 26 years old.

Thereafter, evidence of plaintiff was closed.


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Iftekhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produced family tree of plaintiff is Ex. DW-1/1 and Ex. DW-1/2. As per family tree correct date of birth of plaintiff is 02.05.1990. He lastly requested for dismissal of suit of plaintiff. During cross examination he stated that it is correct that in polio card correct name of plaintiff is Munawar Khan and his correct date of birth is 02.05.1999.

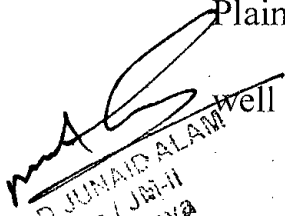
Claim of plaintiff is that his true and correct date of birth is **02.05.1999**, but defendants have incorrectly recorded the same as **02.05.1990** in their record, which is wrong and liable to be rectified. Plaintiff produced copy of polio card as per which his date of birth is **02.05.1999**. Oral 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 **02.05.1999**, which is also recorded in his Polio card. 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


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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
12.11.2025



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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