

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

Suit No.....167/1 of 2025.

Date of Institution.....11.10.2025.

Date of decision.....22.12.2025.

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1. Tajdar Ali S/O Muhammad Ghulam R/O Qaum Behram Zai, Tehsil
Lower District Orakzai 2. Ashura Jan (late)(Plaintiffs)

Versus

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

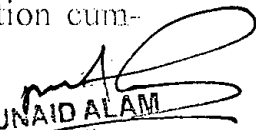
.....(Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION.

Judgment:

22.12.2025

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 I JM-II
Orakzai at Kalaya

Brief facts of the case are that plaintiffs brought the instant suit for declaration cum-permanent injunction to effect that correct mother name of plaintiff No.1 is *Ashura Jan*, however; it is wrongly entered in the record of defendants as *Gul Khaton*, similarly, correct date of plaintiff No.2 01.01.1965 however, it is wrongly entered in the record of defendants as 01.01.192 which is unnatural with the plaintiff No.1 whose date of birth as per NADRA record as 01.01.1982 resulting into unnatural age difference of 10 years which is wrong, illegal and ineffective upon the

rights of plaintiffs 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, 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 following issues were framed for adjudication of real controversy between the parties.

ISSUES

MUHAMMAD JUNAID ALI AM
Civil Judge / JM-II
Orakzai at Kalaya

1. Whether plaintiff has got cause of action? OPP
2. Whether correct mother name of plaintiff no.1 is Ashura Jan similarly correct date of birth of plaintiff No.2 is 01.01.1965, while defendants have incorrectly entered the same as Gul Khaton and 01.01.1972? 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 No.1 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 mother name is Ashura Jan while defendants have incorrectly entered the same is Gul Khaton. Similarly, correct date of birth of plaintiff No.2 is 01.01.1965 however, defendants have incorrectly entered the same is 01.01.1972 which is unnatural with plaintiff No.1. Copy of his CNIC is Ex.PW-1/1 and copy of CNIC of mother of plaintiff No.1 is Ex.PW-1/2. During cross examination he stated that he did not know when he obtained his first CNIC.

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Civil Judge I JMI-II
Orakzai District
Orakzai District

Tawab Ali relative of plaintiff appeared and deposed as PW-02. He stated that mother name of plaintiff is Ashura Jan however, defendants have incorrectly entered the same as Gul Khaton, similarly, correct date of birth of plaintiff No.02 is 01.01.1965 however, defendants have incorrectly entered the same is 01.01.1972 which become unnatural. Copy of his CNIC is Ex. PW-2/1. During cross examination he stated that mother name of plaintiff No.1 is Ashura Jan.

Mushtaq Ali, brother of plaintiff appeared and deposed as PW-03. He stated that mother of plaintiff No.1 is Ashura Jan and correct date of birth of plaintiff No.2 is 01.01.1965 however, defendants have incorrectly entered the same as Gul Khaton and date of plaintiff No.02 is 01.01.1972. that she is illiterate lady. The witness has been

cross examined but nothing contradictory has been extracted out of him. Thereafter, evidence of plaintiff was closed.

Iftekhhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produce family tree of plaintiff are Ex.DW-1/1 and Ex.DW-1/4 respectively. As per family tree of plaintiff mother name of plaintiff is Gul Khaton. He further stated that plaintiff has been issued CNIC as per information provided by plaintiff and lastly requested for dismissal of suit of plaintiff. During cross examination he stated that it is correct that brother of plaintiff namely Habib Ali is mentioned in family tree of plaintiff. Father name of Habib Ali is Muhammad Ghulam and mother name is Ahura Jan. It is also correct that Muhammad Ghulam is mentioned in the CNIC of Mushtaq Ali.

Claim of plaintiff is that his true and correct mother name of plaintiff NO.1 is Ashura Jan, but defendants have incorrectly recorded the same as **Gul Khaton** similarly, correct date of birth of plaintiff No.02 is 01.01.1965 but defendants have incorrectly recorded the same as 01.01.1972 which is unnatural in their record, which is 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.

MUHAMMAD JUNAID ALI
Civil Judge JM-II
Orakzai at Kalaya

Keeping in view the above discussion and documentary as well as oral evidence available on file, it is held that correct mother name of plaintiff No.1 is Ashura Jan and correct date of birth of plaintiff No.02 is 01.01.1965. Issue decided accordingly.

ISSUES NO.1 & 3.

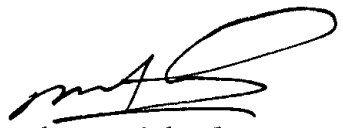
In the light of foregoing discussion, plaintiff has proved his stance through cogent, convincing and reliable documentary and oral evidence; therefore, he has got cause of action and is entitled to the decree, as prayed for. Both these issues are decided in positive in favor of plaintiff.

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.

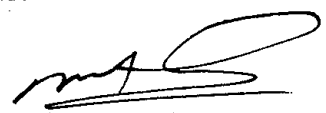
File be consigned to record room after its necessary completion and compilation.

ANNOUNCED
22.12.2025


Muhammad Junaaid 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, Kalaya