

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

Suit No.....146/1 of 2025.

Date of Institution.....16.09.2025.

Date of decision.....17.12.2025.

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Kashif Raza S/O Iqtidar Khan R/O Kalaya Mirazai Tehsil Lower
District Orakzai(Plaintiff)

Versus

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

.....(Defendants)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION.


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Judgment:

17.12.2025

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

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 **15.03.2003**, however; it is wrongly entered in the record of
defendants as **15.03.2008** 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.


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

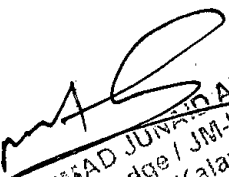
After institution of the suit, defendants were summoned. Defendants No.1 to 03 marked their attendance through representative and contested the suit by filing written statement while defendant No.04 proceeded ex-parte despite proper service. In the written statement representative of defendant No.1 to 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 15.03.2003 while defendants have incorrectly entered the same as 15.03.2008? OPP
3. Whether plaintiff is entitled to the decree as prayed for? OPP
4. Relief?

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


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

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: -

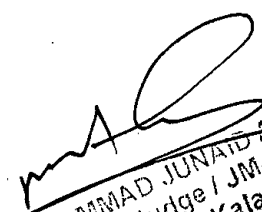
ISSUE NO.02.

During course of recording evidence, plaintiff in support of his claim and contention himself appeared and deposed as PW-01 and reiterated the averments of plaint. He stated that his correct date of

birth is 15.03.2003, however, defendants have incorrectly entered the same as 15.03.2008. Copy of his CNIC is Ex.PW-1/1, FRC is Ex.PW-1/2 and DMC is Ex.PW-1/3. During cross examination he stated that his father made the CNIC for him. His father is illiterate. He further stated he obtained his smart card in the year 2022 and during obtaining his smart card he did not bring any education document to the concerned office.

Iqtidar Khan, father of plaintiff appeared and deposed as PW-03. Correct date of birth of plaintiff is 15.03.2003 which was inadvertently written in the record of defendants as 15.03.2008. Copy of his CNIC is Ex. PW-2/1.

The witness has been cross examined. During cross examination he stated that he did not bring any educational documents of plaintiff to the concerned office. He further stated he did not know that when plaintiff obtained his smart card. Plaintiff is 22/23 years old. Plaintiff is 03 years younger than his elder son namely Ishtihar Ali


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Hasssan Ali, the relative of plaintiff appeared and deposed as PW-03. He stated that correct date of birth of plaintiff is 15.03.2003 however, defendants have incorrectly entered the same as 15.03.2008. Copy of his CNIC is Ex. PW-3/1. During cross examination he stated that plaintiff is 22/23 years old. He further stated that plaintiff is 03 years younger than his brother namely Ishtihar Ali.

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 NADRA registration form is Ex.DW-1/3. As per which date of birth of plaintiff is 15.03.2008. That according to NADRA SOP, it is possible to change the date of birth in NADRA records after amending the date of birth in the birth certificate. He lastly requested for dismissal of suit of plaintiff.

During cross examination he stated that it is correct that in the list of witness's father of plaintiff is present before the court who stated that plaintiff is 21/22 years old. He further stated that during obtaining smart card plaintiff had not obtained thumb impression of his father as verifier.

Claim of plaintiff is that his true and correct date of birth is **15.03.2003**, but defendants have incorrectly recorded the same as **15.03.2008** in their record, which is wrong and liable to be rectified.

Plaintiff alongwith others PWs categorically stated that one of brother of plaintiff namely Ishtehar Ali is 03 younger elder than plaintiff. 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 as well as oral evidence available on file, it is held that correct date of birth of plaintiff is **15.03.2003**. 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.

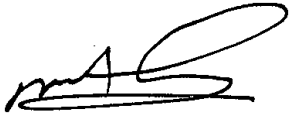
Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in his favor against the defendants as prayed for. No order as to costs. This decree shall not affect the rights of any other person interested, if any or service record of plaintiff, if any. File be consigned to record room after its necessary completion and compilation.

ANNOUNCED
17.12.2025.


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