

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

Suit No.....149/1 of 2025.

Date of Institution.....22.09.2025.

Date of decision.....02.12.2025.

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Muhammad Tufail S/O Zardin R/O Qoum Stori Khel,

Tappa Mula Khel, Tehsil Lower District Orakzai

.....(Plaintiff)

Versus

1. Chairman NADRA Islamabad.

2. DG NADRA Peshawar.

3. AD NADRA Kalaya Orakzai.

.....(Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION.

Judgment:

02.12.2025


 MUHAMMAD JUNAID ALAM
 Civil Judge / JM-II
 Orakzai at Kalaya
 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 as per school record is **02.03.1995**, however; it is wrongly entered in the record of defendants as **12.10.1983** which is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. That

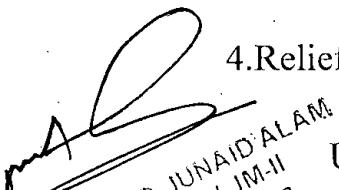
defendants were asked time and again to do the needful but in vain, hence the present suit.

After institution of the suit, defendants were summoned, 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 according to school record is 02.03.1995 while defendants have incorrectly entered the same in their record as 12.10.1983? OPP
3. Whether plaintiff is entitled to the decree as prayed for? OPP
4. Relief?



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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.

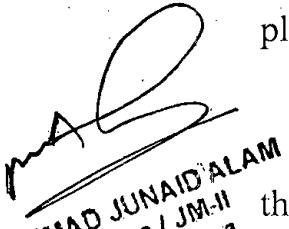
My issue wise findings are as under: -

ISSUE NO.02.

During course of recording evidence, one Muhsin Ullah (record keeper of The Knowledge Academy Jalaka Mela) appeared and deposed as PW-01. During recording his evidence, he stated that he produced Admission & Withdrawal register of plaintiff. As per which, correct date of birth of plaintiff is recorded as 02.03.1995 which are mentioned at serial No.176. Plaintiff took admission on 01.04.2006 and leave school at class 8th. Admission & Withdrawal register as Ex.PW-1/1 consisting of 02 pages. During cross examination he stated that father of name plaintiff is Zardin.

Khapeer Gul, nephew of plaintiff appeared and deposed as PW-02. He also supported plea of plaintiff. Copy of his CNIC is Ex.PW-2/1.

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


 MUHAMMAD JUNAID ALAM
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 Plaintiff himself appeared and deposed as PW-03. He reiterated the averments of plaint as true and correct. Copy of his CNIC is Ex.PW-3/1. He stated that he studied at The Knowledge Academy. As per school record his date of birth recorded as 02.03.1995. He further stated that his father has been died. During cross examination he stated that he did not know when he obtained his first CNIC. He further stated that he studied up to class 8th in The Knowledge Academy Jalaka Mela.

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 which date of plaintiff recorded as 12.10.1983. He further stated that CNIC has been issued to plaintiff as per information provided by father of plaintiff and lastly requested for dismissal of suit of plaintiff.

During cross examination he stated that it is correct that date of birth of plaintiff in Admission & Withdrawal register which was provide by record keeper is correctly mentioned as 02.03.1995.

Claim of plaintiff is that his true and correct date of birth is **02.03.1995**, but defendants have incorrectly recorded the same in their record as **12.10.183** 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.



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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 **02.03.1995**, which is also recorded in his school record. 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

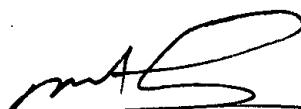
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CERTIFICATE

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