

**IN THE COURT OF NOOR UL HAQ
CIVIL JUDGE-II, TEHSIL COURT, KALAYA**

Suit No.....189/1 of 2026.

Date of Institution.....01.12.2025.

Date of decision.....20.07.2026.

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Ameen Ali S/O Zabit Ali R/O Qaum Behramzai, Tappa Khair Ali
Nawasi, 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. Chairman Education Board of Intermediate Kohat.

.....(Defendants)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION.

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Judgment:

20.07.2026

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 **25.05.2007**, however; it is wrongly entered in the record of defendants as **25.07.2009** 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. 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. 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 25.05.2007 while defendants have incorrectly entered the same as 25.07.2009? 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, mother of plaintiff appeared and deposed as PW-01. She stated that she has 06 children and date of birth of plaintiff is 25.05.2007, however, defendants have


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incorrectly entered date of plaintiff as 25.07.2009. She further stated that her elder son is Gul Ahmad and second son is plaintiff. Copy of her CNIC is Ex.PW-1/1.

During cross examination she stated that she has 06 children. She further stated that plaintiff have no polio card where 2007 clearly mentioned.

Musharaf Hassan, appeared and deposed as PW-02. He stated that plaintiff is younger than his brother namely Gul Ahmad. Correct date of birth of plaintiff is 25.05.2007. Copy of his CNIC is Ex.PW-2/1. During cross examination he stated that plaintiff is his relative. In sibling plaintiff is second.

Qalid Ali appeared and deposed himself as PW-03. He stated that correct date of birth of plaintiff is 25.05.2007. Copy of his CNIC is Ex.PW-3/1.

During cross examination he stated that he did not know when plaintiff obtained his Form-B. He further stated that plaintiff is about 18 years old.

Ameen Ali, plaintiff himself appeared and deposed as PW-04. He stated that he is younger than from Gul Ahmad. In sibling he is in second. Copy of Form-B is Ex.PW-4/1, DMC is Ex.PW-4/2, copy of certificate is Ex.PW-4/3 and copy of his father CNIC is Ex.PW-4/4. He further stated that his correct date of birth is 25.05.2007. He lastly requested for decree of the suit in his favour.

During cross examination he stated that he did not when he obtained Form-B.


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Thereafter, evidence of plaintiff was closed.

Iftekhhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produced NADRA registration form as Ex.DW-1/1 and Union Council Birth certificate is Ex.DW-1/2. As per which correct date of birth of plaintiff is 25.07.2009. Father of plaintiff go to the office of NADRA, District Hangu and obtained Form-B and father of plaintiff perform biometric as well. As per which NADRA issued Form-B having date of birth plaintiff as 25.07.2009. He lastly requested for dismissal of suit of plaintiff.

During cross examination he stated that he stated that it is correct that as per NADRA SOPs Form-B could not be cancelled directly. Self-stated that it is possible to amend the Form-B as per NADRA SOPs.

Claim of plaintiff is that his true and correct date of birth as is 25.05.2007, but defendants have incorrectly recorded the same as 25.07.2009 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.

PLD 2003 SUPREME COURT PAGE 849:

"Wherein it has been mentioned by the Honorable Supreme Court of Pakistan that the best evidence to prove this fact (age or date of birth) was of those people who would have an ordinary course of life having personal knowledge. Statement of mother is at

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high pedestal as compared to other as she has given birth to him." In present case, the mother of the plaintiff is in good position having personal knowledge to tell the correct date of birth of the plaintiff.

Plaintiff produced cogent, convincing as well as oral evidence in support of his claim and contention, including his mother whose statement is at high pedestal. Moreover, nothing has been brought on record by defendants that correction of his date of birth would harm anyone.

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 **25.05.2007**. 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.

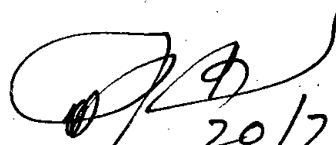
File be consigned to record room after its necessary completion and compilation.

ANNOUNCED
20.07.2026.


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CERTIFICATE

It is certified that this judgment consists of 06 pages. Each page has been dictated, read, corrected and signed by me.


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