

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

Suit No.....25/1 of 2026.

Date of Institution.....16.06.2026.

Date of decision.....24.08.2026.

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Mst: Zahra Khatoon D/O Muhammad Askar R/O Qaum Mani Khel,
Tappa Terai, Tehsil Lower District Orakzai(Plaintiff)

Versus

1. NADRA through chairman Islamabad.
2. NADRA through DG, Peshawar Khyber Pakhtunkhwa.
3. NADRA through AD, District Orakzai.

.....(Defendants)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION.

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Judgment:

24.08.2026

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 as per Birth Certificate is *15.06.1999*, however; it is wrongly entered in the record of defendants as *01.01.1991* 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 marked their attendance through representative and contested the suit by filing written statement. In the written statement representative of 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 suit is valid in its legal frame, and the court is competent to hear it? OPP
2. Whether correct date of birth of plaintiff as per Birth Certificate is 15.06.1999 while defendants have incorrectly entered the same as 01.01.1991? 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, record keeper of Basic Education Community School Terai Lower Orakzai Agency


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appeared and deposed as PW-01. He stated that he is the custodian of admission and record of the student in the said school. Mst. Zahra Khatoon studied her early education from the said school. He further stated that as per Admission and education record correct date of birth of plaintiff is 15.06.1999. Copy of his CNIC is Ex.PW-1/1 & Birth Certificate is Ex.PW-1/2.

During cross examination he stated that he is the record keeper in the said school. As per admission & withdrawal record he issued birth certificate of plaintiff.

Muhammad Askar, father of plaintiff appeared and deposed as PW-02. He stated that correct date of birth of plaintiff is 15.06.1999 and defendants have incorrectly entered the same as 01.01.1991. Plaintiff studied her earlier education from Basic Education Community School Terai Lower Orakzai Agency. As per birth certificate issued by the said school her correct date of birth is 15.06.1999. Copy of his CNIC is Ex.PW-1/2.

The witness has been cross examined. During cross examination he stated that he did not know when plaintiff obtained her CNIC. It is incorrect that her daughter is 35 years old. Self-stated that her daughter is 27 years old.

Thereafter, evidence of plaintiff was closed.

Iftekhhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produce family tree of plaintiff is Ex.DW-1/1. As per family tree correct date of birth is 01.01.1991. As per SOPs

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every citizen can change date of birth as per Union Council Birth Certificate. He lastly requested for dismissal of suit of plaintiff.

During cross examination he stated that he stated that it is correct that father of plaintiff is present before the court today. It is also correct that name of plaintiff is mentioned at serial No.6 in admission & withdrawal register and date of birth of plaintiff is 15.06.1999.

Claim of plaintiff is that her true and correct date of birth as per Birth Certificate is **15.06.1999**, but defendants have incorrectly recorded the same as **01.01.1991** 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 woman and could not be presumed to have instituted the suit for any undue advantage or ulterior motive. Moreover, Birth Certificate issued by Basic Education Community School Terai Lower Orakzai Agency is also produced in support of her claim. Plaintiff produced cogent, convincing as well as oral evidence in support of her 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 **15.06.1999**. Issue decided accordingly.

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In the light of foregoing discussion, plaintiff has proved her stance through cogent, convincing and oral evidence; therefore, she 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 her 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.

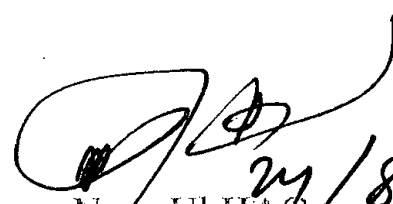
ANNOUNCED

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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.


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Kalaya Orakzai