

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

Suit No.....70/1 of 2026.

Date of Institution.....19.08.2026.

Date of decision.....09.09.2026.

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Hizar Hayat S/O Salabat Khan R/O Qaum Feroz Khel, Tappa
 Qasim Khel Tehsil Lower District Orakzai.....(Plaintiff)

Versus

1. Chairman NADRA Islamabad through regional Office Orakzai.
2. Board of Intermediate & Secondary Education, Kohat.

.....(Defendants)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION.

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Judgment:

09.09.2026

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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 **01.08.2008**, however; it is wrongly entered in the record of defendants as **05.04.2009** and **05.04.2011** respectively, which are 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. Defendant No.1 marked his attendance through representative and contested the suit by filing written statement while defendant No.02 proceeded ex-Parte vide order dated: 02.09.2026. Representative of defendant No.1 have raised several legal and factual objections in his written statement.

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 as per Birth Certificate is **01.08.2008** however, defendants have incorrectly entered the same as **05.04.2009** and **05.04.2011** respectively in their record? OPP
3. Whether plaintiff is entitled to the decree as prayed for? OPP
4. Relief?

Upon submission of list of witnesses, both the plaintiff and contesting defendant 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, father of plaintiff appeared and deposed as PW-01. He stated that he has fourteen

children including seven daughters and seven sons. He further stated that correct date of birth of plaintiff is 01.08.2008 which is correctly mentioned in his Birth Certificate however, defendants have incorrectly entered the same as 05.04.2009 and 05.04.2011 respectively in their record. Copy of his CNIC is Ex.PW-1/1.

During cross examination he stated that he did not know when his son obtained his first CNIC. He further stated that Hizar Hayat is his real son and born on 01.08.2008.

Hizar Hayat himself appeared and deposed as PW-01, who stated that his parent names are Salabat Khan and Bass Bibi. He also stated that he obtained his birth certificate pertaining his correct date of birth is 01.08.2008. Copy of Birth Certificate is Ex.PW-2/1. Defendant No.1 incorrectly recorded his date of birth as 05.04.2009 and defendant No.02 recorded his date of birth as 05.04.2011. Copy of DMC is Annexure 2/A.

During cross examination he stated that he did not know when he obtained his Form-B. It is correct that he is not in possession of any documents except Birth Certificate.

Thereafter, evidence of plaintiff was closed. NOOR UL HAQ Civil / JM-II

09/09/26. Iftekhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produced family tree Ex. DW-1/1 & 1/2 and NADRA registration form as Ex. DW-1/3, 1/4, School Birth Certificate is Ex.DW-1/5 & Union Council Birth Ex.DW-1/6. Father of plaintiff obtained Form-B as per School record and later on, in the year 2014 change date of birth of plaintiff from 05.04.2009 to

05.04.2011 as per Union Council Birth Certificate. He lastly requested for dismissal of the suit.

During cross examination he stated that it is correct that correction were made in Union Council Birth Certificate. It is also correct that changes in date of birth is possible as per Union Council Birth certificate in NADRA record.

Claim of plaintiff is that his true and correct date of birth as per Birth Certificate is **01.08.2008**, but defendants have incorrectly recorded the same as **05.04.2009** and **05.04.2011** respectively in their record, which are 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.

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Plaintiff produced cogent, convincing as well as oral evidence in support of his claim and contention. Furthermore, Birth Certificate produce by plaintiff also support his claim and contention.

Moreover, father of plaintiff appeared before the court and recorded his statement as PW-01 which also support the claim of plaintiff. 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 **01.08.2008**. Issue decided accordingly.

ISSUES NO.1 & 3.

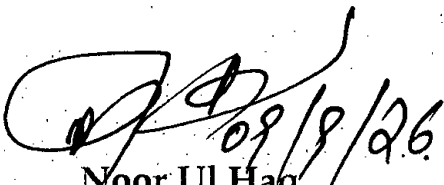
In the light of foregoing discussion, plaintiff has proved his stance through cogent, convincing and oral evidence; therefore, he has got cause of action and is entitled to the decree, as prayed for. Both these issues are decided in positive in favor of plaintiff.

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.

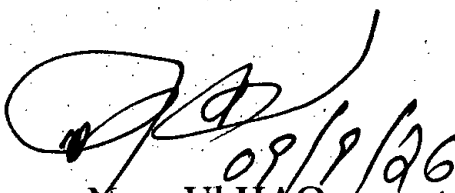
File be consigned to record room after its necessary completion and compilation.

ANNOUNCED
09.09.2026


Noor Ul Haq
Civil Judge-II Tehsil Court
Kalaya Orakzai

CERTIFICATE

It is certified that this judgment consists of 05 pages. Each page has been dictated, read, corrected and signed by me.


Noor Ul Haq
Civil Judge-II, Tehsil Court
Kalaya Orakzai