

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

Suit No.....60/1 of 2026.

Date of Institution.....30.07.2026.

Date of decision.....08.09.2026.

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Muhammad Fayaz S/O Ihsan Ullah R/O Qaum Feroz Khel, Tappa
Ghairat Khel, 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:

08.09.2026

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 **10.02.2006** however; defendants have incorrectly entered date of birth of plaintiff is **10.02.2013** 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. Defendants marked their attendance through representative and contested the suit by

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filing written statement. In the written statement representative of defendant 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 **10.02.2006** however defendants have incorrectly entered date of birth of plaintiff is **10.02.2013**? 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, plaintiff himself appeared and deposed as PW-01. He stated that his correct date of birth is 10.02.2006 however, defendants have incorrectly entered the same is 10.02.2013. Form-B is Ex.PW-1/1.

During cross examination he stated that his father obtained his Form-B for him. He stated that it is correct that his father is illiterate. It is also correct that he is also illiterate.

Makhmeena Bibi, mother of plaintiff appeared and deposed as PW-02. She stated that plaintiff is her son and his correct date of birth is 10.02.2006. She further stated that plaintiff is elder amongst her children. Plaintiff is about 20 years of age. Copy of her CNIC is Ex.PW-2/1.

During cross examination she stated that plaintiff has 21 years of age. Self-stated that plaintiff is 02 years elder from her daughter whose age is 18 years.

Ihsan Ullah, father of plaintiff appeared and deposed as PW-03. He stated that correct date of birth of plaintiff is 10.02.2006 and he is elder amongst his all children. He further stated that plaintiff is 02 years elder from his daughter namely Sajeema Bibi whose age is 18 years. Plaintiff is about 20 years of age. He is illiterate. Copy of his CNIC is Ex.PW-3/1.

During cross examination he stated that he knows that plaintiff is 21 years of age. He further stated that he is illiterate.

Khurshid Anwar appeared and deposed as PW-04. He stated that plaintiff is 20 years of age. He lastly requested for decree the suit in favour of plaintiff. Copy of his CNIC is Ex.PW-4/1.

The witness has been cross examined. During cross examination he stated that it is correct that plaintiff is 21 years of old.

Thereafter, evidence of plaintiff was closed.

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Iftekhhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produce family tree of plaintiff is Ex.DW-1/1 & NADRA registration form is Ex.DW-1/2. As per NADRA record date of birth of plaintiff is 10.02.2013. He stated that father of plaintiff obtained Form-B of plaintiff as per Union Council Birth Certificate on 03.06.2025 from NADRA Office Kalaya. He further stated that as per birth certificate issued by Union Council changing in date of birth is possible. That according to NADRA SOP, for a change of date of birth more than 5 years, special approval from NADRA DG Operations through the Zonal Board is required.

During cross examination he stated that it is correct that parent of plaintiff is present before the court today and look physically fit. It is also correct that parent of plaintiff is illiterate. He further stated that as per Union Council Birth Certificate amendment in date of birth is possible.

Claim of plaintiff is that his true and correct date of birth as **10.02.2006** but defendants have incorrectly recorded date of birth of plaintiff is **10.02.2013** which is wrong and liable to be rectified. Oral evidence produced by plaintiff is also supportive to the averments of plaintiff. Defendants failed to establish that the exhibited record in favor of plaintiff is managed or manipulated one. Father and mother of plaintiff namely Maheena Bibi and Ihsan Ullah appeared before the court and recorded their statement as PW-02 & PW-03 which support claim and contention of plaintiff.

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 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.

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 correct date of birth as **10.02.2006**. Issue decided accordingly.

ISSUES NO.1 & 3.

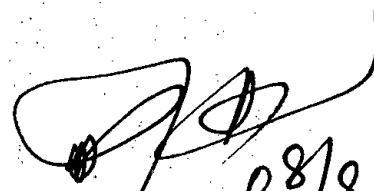
In the light of foregoing discussion, plaintiff has proved his stance through cogent, convincing and oral evidence; therefore, he has got cause of action and is entitled to the decree, as prayed for. Both these issues are decided in positive in favor of plaintiff.

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.

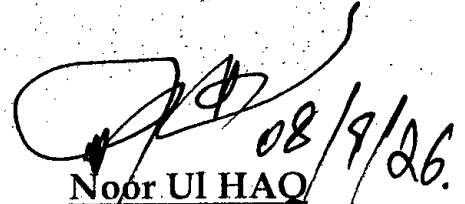
File be consigned to record room after its necessary completion and compilation.

ANNOUNCED
08.09.2026.


08/9/26.
Noor Ul Haq
Civil Judge-II Tehsil Court
Kalaya Orakzai

CERTIFICATE

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

A handwritten signature in black ink, appearing to be 'Noor UI HAQ', with a date '08/9/26' written next to it.

Noor UI HAQ
Civil Judge-II, Tehsil, Tehsil
Kalaya Orakzai