

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

Suit No.....56/1 of 2026.

Date of Institution.....25.07.2026.

Date of decision.....24.08.2026.

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Amin Ullah S/O Raham Dil R/O Qaum Mishti, Tappa Darwi Khel,
Tagha Saam 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 is *01.01.1995*, correct father name of plaintiff is *Raham Dil* and correct mother name of plaintiff is *Khwagy Jan*, however; defendants have incorrectly entered date of birth of plaintiff is *1988*, father name of plaintiff is *Piyao Gul* and mother name of plaintiff as *Mokila Jan* resulting into unnatural age of about 13 and 11 years between plaintiff and

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his parents 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.

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 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 **01.01.1995**, father name of plaintiff is **Raham Dil** and mother name of plaintiff is **Khwagy Jan** however defendants have incorrectly entered date of birth of plaintiff is **1988**, father name of plaintiff as **Piyao Gul** and mother name of plaintiff as **Mokila Jan**? OPP
3. Whether plaintiff is entitled to the decree as prayed for? OPP
4. Relief?

24/8/26. 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.

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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 father name is Raham Dil and mother name is Khwagy Jan. He further stated that his correct date of birth is 01.01.1998, however, defendants have incorrectly entered the same as 1988 resulting into unnatural age of 13 and 11 years difference between him and his parents. Copy of his CNIC is Ex.PW-1/1.

During cross examination she stated that he does not know when he obtained his CNIC. He further stated that at that time his mother did not obtained her CNIC.

Piyao Gul, maternal uncle of plaintiff appeared and deposed as PW-02. He stated that mother of plaintiff is his sister and her correct name is Khwagy Jan and father name is Raham Dil. He further stated that plaintiff is not his son. He requested to withdraw name of plaintiff from his family tree. Copy of his CNIC is Ex.PW-2/1.

During cross examination he stated that plaintiff is not his son and mother name of plaintiff is Khwagy Jan. He further stated that he has two son namely Ihsan Ullah, Muhammad Yaseen and eight daughters.

Raham Dil appeared and deposed as PW-03. He stated that correct date of birth of plaintiff is 01.01.1995 and correct mother name of plaintiff is Khwagy Jan. He further stated that he proceeded

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for Tabligh and plaintiff obtained his CNIC as per his maternal uncle card. Piyao Gul is the real maternal uncle of plaintiff.

The witness has been cross examined. During cross examination he stated that Piyao Gul is the maternal uncle of plaintiff and Khwagy Jan is his wife and sister of Piyao Gul.

Khwagy Jan, mother of plaintiff appeared and deposed as PW-04. She stated that plaintiff is her son and he obtained his CNIC and name of Piyao Gul is wrongly mentioned in the parentage of plaintiff. Copy of her CNIC is Ex.PW-4/1. During cross examination she stated that Raham Dil is her husband and Piyao Gul is her brother.

Thereafter, evidence of plaintiff was closed.

24/8/26. Iftexhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produce family tree of plaintiff is Ex.DW-1/1 & Ex.DW-1/2. As per NADRA record date of birth of plaintiff is 1988, father name of plaintiff is Piyao Gul and mother name of plaintiff is Khwaga Meena. As per NADRA SOPs for changing name of parent brother or sister were necessary to perform biometric. He lastly requested for dismissal of suit of plaintiff.

During cross examination he stated that Raham Dil, Khwagy Jan and Piyao Gul is present before the court today.

Counsel for plaintiff verbally requested for correction of incorrect mother name of plaintiff in the plaint as *Khwaga Meena* instead of *Mukila Jan*. Perusal of NADRA record reveal that Khwaga Meena is correctly mentioned in their record. Therefore, request of

INCORRECT
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counsel allowed and incorrect name be treated as "Khwaga Meena" in the plaint.

Claim of plaintiff is that his true and correct date of birth as **01.01.1995**, father name of plaintiff is **Raham Dil** and mother name is **Khwagy Jan**, but defendants have incorrectly recorded date of birth of plaintiff is **1988**, father name of plaintiff is **Piyao Gul** and mother name is **Khwaga Meena** 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. Moreover, there is unnatural age difference of about 13 & 11 years between plaintiff and his parents. Father and mother of plaintiff namely Raham Dil and Khwagy Jan appeared before the court and recorded their statement as PW-03 & PW-04 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

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birth of plaintiff is correct date of birth as *01.01.1995*, father name of plaintiff is *Raham Dil* and mother name is *Khwagy Jan*. Issue decided accordingly.

ISSUES NO.1 & 3.

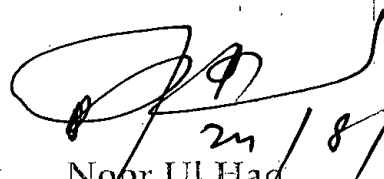
In the light of foregoing discussion, plaintiff has proved his stance through cogent, convincing and oral evidence; therefore, he has got cause of action and is entitled to the decree, as prayed for. Both these issues are decided in positive in favor of plaintiff.

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.

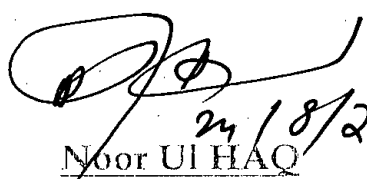
File be consigned to record room after its necessary completion and compilation.

ANNOUNCED
24.08.2026.


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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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Civil Judge-II, Tehsil, Tehsil
Kalaya Orakzai