

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

Suit No.....77/1 of 2026.

Date of Institution.....02.09.2026.

Date of decision.....18.09.2026.

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Muhammad Aslam S/O Ajab Shah R/O Qaum Stori Khel, Tappa  
Mula 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.
4. NADRA through General Manager Kalaya Orakzai.

.....(Defendants)

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**SUIT FOR DECLARATION & PERMANENT INJUNCTION.**

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**Judgment:**

18.09.2026

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 as per Birth Certificate is **01.01.2002**, however; it is wrongly entered in the record of defendants as **01.01.1996** 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.

NOOR UL HAQ  
Civil Judge II  
Orakzai  
18/09/2026

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 01.01.2002 while defendants have incorrectly entered the same as 01.01.1996? 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, Gulap Bibi mother of plaintiff appeared and deposed as PW-01. She stated that she have

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During cross examination he stated that plaintiff is 24 years old. He further stated that he knows that plaintiff is born in year 2002.

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 01.01.1996. As per SOPs

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 mother of plaintiff is present before the court today who is physically fit.

Claim of plaintiff is that his true and correct date of birth as per Birth Certificate is **01.01.2002**, but defendants have incorrectly recorded the same as **01.01.1996** in their record, 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. 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 produced by plaintiff also support of his claim.

***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 her claim and contention.

*Handwritten signature and date: 18/9/26*

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 **01.01.2002**. Issue decided accordingly.

**ISSUES NO.1 & 3.**

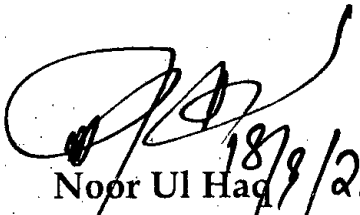
In the light of foregoing discussion, plaintiff has proved his stance through cogent, convincing and oral evidence; therefore, she has got cause of action and is entitled to the decree, as prayed for. Both these issues are decided in positive in favor of plaintiff.

**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.

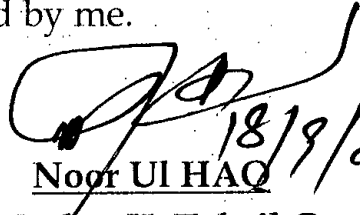
File be consigned to record room after its necessary completion and compilation.

**ANNOUNCED**  
**18.09.2026.**

  
18/9/26  
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.

  
18/9/26  
Noor Ul Haq  
Civil Judge-II, Tehsil Court  
Kalaya Orakzai