

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

Suit No.....90/1 of 2026.

Date of Institution.....15.09.2026.

Date of decision.....07.10.2026.

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Raheel Sharif S/O Swali Gul R/O Qaum Feroz Khel, Tappa
Qeemat 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:

07.10.2026

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 **01.01.2006**, however; it is wrongly entered in the record of defendants as **01.01.1999** 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 plaintiff has got cause of action? OPP
2. Whether correct date of birth of plaintiff is 01.01.2006 however defendants have incorrectly entered the same as 01.01.1999? 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 recording his statement as PW-01. He stated that his correct date of birth is 01.01.2006 but defendants have incorrect entered his date of birth as 01.01.1999. Copy of his CNIC is Ex.PW-

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1/1. Birth certificate issued by local government is Ex.PW-1/2. He lastly requested for decree the suit in his favour.

During cross examination he stated that he stated that it is incorrect that he is illiterate. He further stated that he did not know when he obtained Form-B.

Kastori Bibi, mother of plaintiff appeared and recorded her statement as PW-02. She stated that correct date of birth of plaintiff is 01.01.2006 but defendants have incorrectly entered the same as 01.01.1999. Copy of her CNIC is Ex.PW-2/1.

During cross examination she stated that she has seven children. Plaintiff is younger than Tahir Ullah and older than Khani Khel. She further stated that it is correct that she has not in possession of Polio card. Self-stated that she has Birth Certificate.

Swali Gul, father of plaintiff appeared and deposed as PW-03. He stated that correct date of birth of plaintiff is 01.01.2006 but defendants have incorrectly entered the same as 01.01.1999. Copy of his CNIC is Ex.PW-3/1.

The witness has been cross examined. During cross examination he stated that he is illiterate. It is also correct that plaintiff is 20 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, 1/2, NADRA registration form is Ex.DW-1/3, Form-B is Ex.DW-1/4. As per which correct date of birth of plaintiff is 01.01.1999. As per

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NADRA record father of plaintiff obtained Form-B of plaintiff on 21.10.2025 and later Smart Card was obtained on the basis of Form-B. As per NADRA SOPs changing date of birth is possible 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 the Union Council birth certificate is in the name of Raheel Sharif and it is also correct that 01.01.2006 is correctly mentioned in Union Council Birth Certificate.

Claim of plaintiff is that his true and correct date of birth as per Birth Certificate is **01.01.2006**, but defendants have incorrectly recorded the same as **01.01.1999** 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 issued by local government also support claim of plaintiff. Parents of plaintiff 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

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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.

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 **01.01.2006**. Issue decided accordingly.

ISSUES NO.1 & 3.

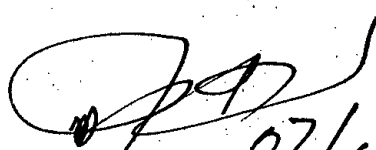
In the light of foregoing discussion, plaintiff has proved his stance through cogent, convincing and oral evidence; therefore, he has got cause of action and is entitled to the decree, as prayed for. Both these issues are decided in positive in favor of plaintiff.

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.

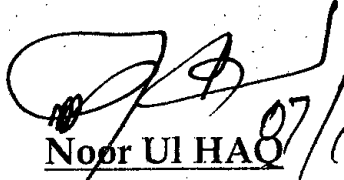
File be consigned to record room after its necessary completion and compilation.

ANNOUNCED
07.10.2026.


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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.


Noor Ul Haq 07/10/26.
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Kalaya Orakzai