

(21)

IN THE COURT OF IJAZ MAHSOOD, SENIOR CIVIL JUDGE,
ORAKZAI AT BABER MELA

Suit No.....23/1 (neem) of 2026.

Date of Original Institution.....31.03.2026.

Date of Remand Back 23.07.2026.

Date of Decision.....12.10.2026.

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Jam Sher Ali s/o Hikmat Hussain, R/O Qoam Mani Khel,
Tappa Sabzi Khel, Tehsil Lower, District Orakzai.

.....(*Plaintiff*)

Versus

1. Chairman Nadra, Islamabad.
2. Director General Nadra, Hayatabad, Peshawar.
3. Assistant Director Nadra, District Orakzai.

..... (*Defendants*)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

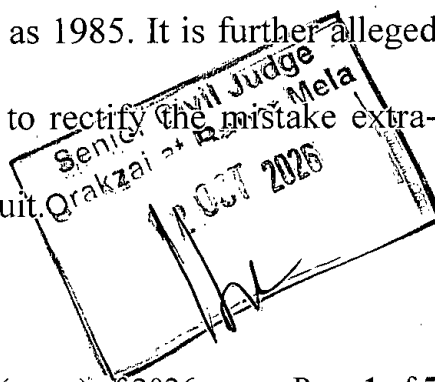
JUDGMENT

12.10.2026.

This judgment decides instant case filed by Mr. Jam Sher Ali for correction of his date of birth in his record as maintained by the defendants.

Pleadings:

The claim as related in the plaint reads that correct date of birth of the plaintiff is 01.11.1992 while the defendants have erroneously recorded the same as 1985. It is further alleged that when defendant was requested to rectify the mistake extra-judicially, they declined, hence the suit.



Defendants were summoned, who appeared through their representative Mr. Iftikhar Ahmad, who submitted written statement. Defendants has raised the regular objections to the legal validity of the claim, the standing of the plaintiff, and factual version of the matter. He concedes that according to Nadra record correct date of birth of the plaintiff is 1985.

The case is remanded back to the undersigned by the Hon'ble District and Sessions Orakzai vide judgment, dated: 16.07.2026 with directions to decide the same afresh after recording the evidence of both the parties.

The controversy as related in the pleadings was distilled into the following issues:

Issues:

1. *Whether suit is valid in its legal frame, and the court is competent to hear it?*
2. *Whether correct date of birth of the plaintiff is 01.11.1992 while it has been erroneously recorded as 1985 by defendants?*
3. *Relief.*

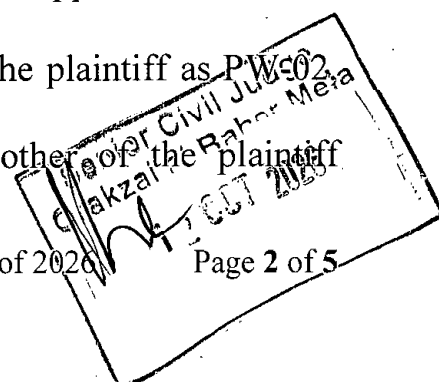
Therefore, both sides were invited to produce their evidence to establish the positions they had taken in their pleadings.

Witnesses/Exhibits:

Jam Sher Ali, the plaintiff himself appeared as PW-01,

Mst. Khaiwa Jan w/o Hikmat, mother of the plaintiff as PW-02

Mr. Ishtiaq Hussain s/o Hikmat Ali, brother of the plaintiff



appeared as PW-03 and Iftikhar Ahmad, representative of defendants as DW-01. They have exhibited the following documents;

- i. Copy of CNIC of the plaintiff as Ex.PW-1/1.
- ii. Copy of Polio certificate of the plaintiff as Ex.PW-1/2.
- iii. Copy of birth certificate of the plaintiff as Ex.PW-1/3.
- iv. Copy of CNIC of PW-02 as Ex.PW-2/1.
- v. Copy of CNIC of PW-03 as Ex.PW-3/1.
- vi. Family Trees of the plaintiff as Ex.DW-1/1 and Ex.DW-1/2.

Reasons/Reasoning:

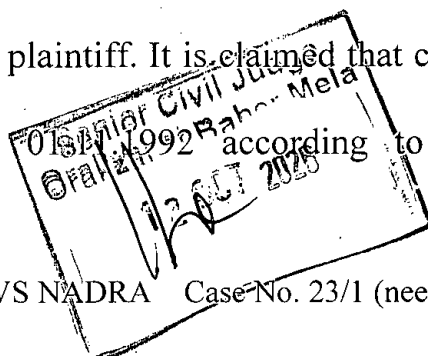
Issue wise reasoning of the court followed by a ruling on each issue, and finally on the suit is as follows:

Issue No 01:

This issue questions the legal validity of the frame of the suit, and the competence of the forum to hear it. Plaintiff has sought correction of his date of birth, which, clearly, is a civil matter, and thus amenable to the jurisdiction of this court under section 09 of the civil procedure code. Other objections such as limitation etc, were not rigorously pressed, and upon examination of the corpus of the case by the court, were found inapplicable. Therefore, the issue is decided for the plaintiff.

Issue No 02:

This issue houses the heart of the suit: correct date of birth of the plaintiff. It is claimed that correct date of birth of the plaintiff is 01.01.1992 according to Polio Card and Birth



Certificate while the defendants have erroneously recorded the same as 1985.

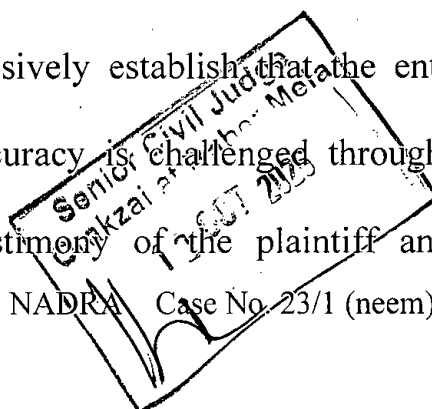
Mr. Jam Sher Ali, the plaintiff himself took stand as PW-01 and stated that his correct date of birth is 01.11.1992 and that the defendants have erroneously recorded his year of birth as 1985. In support of his assertion, he produced his polio certificate and birth certificate.

PW-2, Mst. Khaiwa Jan, mother of the plaintiff, verified his claim regarding his date of birth. Similarly, PW-3, Mr. Ishtiaq Hussain, brother of the plaintiff, supported the plaintiff's stance and stated that the plaintiff is his younger brother and that his correct date of birth is 01.11.1992.

Mr. Iftikhar Ahmad (Representative of NADRA, Orakzai) appeared as DW-01. He produced family tree of plaintiffs as Ex.DW-1/1 and Ex.DW-1/2. He stated that plaintiffs have been issued CNIC as per information provided by plaintiffs that they have got no cause of action and that suit of plaintiffs is liable to be dismissed. He admitted in his cross examination that according to Birth certificate the correct date of birth of the plaintiff is 01.11.1992. Thereafter, evidence of defendants was closed.

Although the existing NADRA record reflects the year of birth as 1985, the mere existence of such an entry does not, by itself, conclusively establish that the entry is factually correct when its accuracy is challenged through admissible evidence.

The oral testimony of the plaintiff and his witnesses, read
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together with the birth certificate and the admission made by DW-1, supports the plaintiff's claim.

Upon an overall appraisal of the oral and documentary evidence, this Court finds that the plaintiff has discharged the burden of proof placed upon him. His claim regarding the correct date of birth is established on the available record.

Accordingly, this issue is decided in favour of the plaintiff and against the defendants.

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. The date of birth of plaintiff is judicially settled and declared as 01.11.1992. Defendants shall bring their record in line with this judgment. Costs shall follow the event.

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

ANNOUNCED
12.10.2026


(Ijaz Mahsood)
Senior Civil Judge,
Orakzai (at Baber Mela)

CERTIFICATE

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


(Ijaz Mahsood)
Senior Civil Judge,
Orakzai (at Baber Mela)