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

Suit No..... 51/1 of 2026

Date of Institution..... 02.09.2026

Date of Decision.....13.11.2026

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Sawal Akbar s/o Gul Akbar

R/O section Mulla Khel, Tehsil Upper, District Orakzai.

.....*(Plaintiff)*

Versus

1. National Database and Registration Authority (Nadra) through its Chairman, Islamabad.
2. Assistant Director, Nadra, Regional Office Orakzai.

..... *(Defendants)*

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SUIT FOR DECLARATION & PERMANENT INJUNCTION

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JUDGMENT
13.11.2026

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

Pleadings:

The claim as related in the plaint, is that his actual and correct date of birth is the year 1959, as reflected in his service record, whereas the defendants have erroneously recorded his date of birth as 25.12.1975 in their official record. It is further averred that the date of birth of his son, namely Muhammad

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Ilyas, is 1986, and the incorrect entry of the plaintiff's date of birth has resulted in an implausible age difference between the plaintiff and his son. The plaintiff maintained that the date of birth recorded in his service record is genuine and correct and that the entry maintained by the defendants is erroneous. Hence, the present suit.

In rebuttal, the representative for the defendants appearing on behalf of the defendants contested the suit on legal as well as factual grounds. Various preliminary objections regarding the maintainability of the suit, legal standing of the plaintiff and correctness of his claim were raised. It was, however, acknowledged on behalf of the defendants that the particulars relating to the plaintiff's date of birth had originally been furnished by the plaintiff himself, and that the date of birth recorded in the NADRA family tree is 25.12.1975. On these grounds, dismissal of the suit was sought.

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 the actual and correct date of birth of the plaintiff is 1959, whereas the defendant has erroneously recorded it as 25.12.1975?*

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3. *Relief.* 38

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

Witnesses/Exhibits:

Mr. Muhammad Daud s/o Muhammad Ramazan, Special attorney of the plaintiff, appeared as PW-01, Mr. Atif Ullah, Record keeper of Police Department, appeared as PW-02, Mr. Sawal Akbar s/o Gul Akbar, the plaintiff himself, appeared as PW-03 and representative of defendants Mr. Iftikhar Ahmad as DW-01. They have exhibited the following documents;

i. Special power of attorney as Ex.PW-1/1.
ii. Retirement document is Ex.PW-1/2.
iii. Copy of CNIC of PW-01 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-3/2.
vi. Family trees of 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 birth date, which, clearly, is a civil

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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 plaintiffs.

Issue No 02:

This issue houses the heart of the suit: correct birth date of the plaintiff. The plaintiff asserts that his actual date of birth is 1959, as reflected in his service record, whereas the defendants have recorded it as 25.12.1975 in their official database. He further contends that the date of birth of his son, namely Muhammad Ilyas, is 1986, and that the disputed entry creates an implausible age difference between the plaintiff and his son. On these grounds, the plaintiff seeks a declaration regarding his correct date of birth and consequential rectification of the relevant NADRA record.

PW-01, Mr. Muhammad Daud s/o Muhammad Ramazan, special attorney of the plaintiff, categorically stated that the actual date of birth of the plaintiff, according to his service record, is 1959, whereas the defendants have incorrectly recorded it as 25.12.1975. He further stated that the date of birth of the plaintiff's son, Muhammad Ilyas, is 1986, which, according to the plaintiff, creates an implausible age difference between

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father and son. His testimony generally remained consistent with the stance taken in the plaint.

PW-02, Mr. Atif Ullah, Record Keeper of the Police Department, appeared along with the relevant service record of the plaintiff. He stated that, according to the service book and the medical certificate available in the departmental record, the plaintiff's date of birth is recorded as 1959. His testimony is material because he appeared in his official capacity as the custodian of the relevant departmental record. The service record, particularly if maintained in the ordinary course of official business and duly proved, carries evidentiary significance in determining the plaintiff's date of birth.

The plaintiff himself appeared as PW-03 and reiterated his stance on oath. He maintained that his actual date of birth is 1959, as reflected in his service book, whereas the defendants have erroneously recorded it as 25.12.1975 in the NADRA record. He further reiterated the discrepancy concerning the date of birth of his son, Muhammad Ilyas, born in 1986.

On the other hand, DW-01, Mr. Iftikhar Ahmad, representative of the defendants, mainly relied upon the family trees of the plaintiff, exhibited as Ex. DW-1/1 and Ex. DW-1/2, wherein the plaintiff's date of birth is recorded as 25.12.1975. He further acknowledged that the particulars relating to the plaintiff's

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date of birth had originally been furnished by the plaintiff himself.

I have carefully examined the evidence produced by both parties. The defendants have mainly relied upon the entries in the family trees, whereas the plaintiff has produced evidence from the Police Department in support of his claim. The statement of PW-02 is important because he appeared as the official record keeper and confirmed that the plaintiff's date of birth is recorded as 1959 in the departmental service record.

Although the particulars of the plaintiff's date of birth were originally provided by him to the defendants, this fact alone does not conclusively establish that the disputed entry is correct. The service record produced by the plaintiff is also required to be considered while determining his actual date of birth.

Furthermore, the date of birth of the plaintiff's son, namely Muhammad Ilyas, is stated to be 1986. This circumstance also supports the plaintiff's version, although the same cannot independently determine his actual date of birth.

In view of the statements of the witnesses and the documentary evidence available on record, particularly the service record supported by the statement of PW-02, I am satisfied that the plaintiff has established his claim regarding his date of birth being 1959.

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

RELIEF:

In view of the findings recorded above, particularly on Issues No. 1 and 2, the suit of the plaintiff is hereby **decreed**. It is declared that the correct year of birth of the plaintiff, Sawal Akbar son of Gul Akbar, is **1959**, instead of 25.12.1975, as presently recorded in the relevant NADRA record.

Consequently, the defendants are directed to make the necessary correction in its relevant record in accordance with this judgment. Costs shall follow the event.

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

ANNOUNCED
13.11.2026

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

CERTIFICATE

It is certified that this judgment consists of 07 pages. Each page has been dictated, read, corrected and signed by me.

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