2 (34)

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

Suit No..... 37/1 of 2026

Date of Institution..... 03.06.2026

Date of Decision.....07.11.2026

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Arshad Ullah s/o Shamadar Khan

R/O Qoum Ali Khel, Tappa Amel Khan Khel, P/O Ghiljo, Tehsil Upper, District Orakzai.

.....*(Plaintiff)*

Versus

Chairman Board of Intermediate and Secondary Education Base, Kohat.

..... *(Defendant)*

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SUIT FOR DECLARATION & PERMANENT INJUNCTION

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JUDGMENT

07.11.2026

This judgment decides instant case filed by Mr. Arshad Ullah for correction of his date of birth in his record as maintained by the defendant.

Pleadings:

The claim as related in the plaint is that his actual and correct date of birth is 20.03.2005, whereas the same has erroneously been recorded as 20.03.2004 in the record maintained by the defendant. It is further averred that the date of birth of his elder brother is 01.01.2004 and that the incorrect

IJAZ MAHSOOD
Senior Civil Judge/JM
Orakzai at Baber Mela

35

entry in the educational record has resulted in an erroneous age difference between the two brothers.

It is further contended that the correct name of the plaintiff's father is Shamadar Khan, whereas the defendant has incorrectly recorded the same as Shamadar. On these grounds, he sought a declaration regarding his correct date of birth along with a direction for correction of the relevant record.

In rebuttal, the legal advisor for the defendant 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 all the particulars regarding birth date were provided by the plaintiff himself-self.

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 20.03.2005, whereas the defendant has erroneously recorded it as 20.03.2004?*
3. *Whether the correct name of the plaintiff's father is Shamadar Khan, whereas the defendant has erroneously recorded the same as Shamadar?*
4. *Relief.*

IJAZ MAHSOOD
Senior Civil Judge
Orakzai at Baber Mela

(36)

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

Witnesses/Exhibits:

Mr. Sawid s/o Shamadar Khan, brother of the plaintiff, appeared as PW-01, Mr. Haji Muhammad s/o Islam Din, appeared as PW-02, Mr. Arshad Ullah s/o Shamadar Khan, the plaintiff himself, appeared as PW-03 and legal advisor of Kohat Mr. Shaheen Muhammad advocate as DW-01. They have exhibited the following documents;

i. Copy of CNIC of PW-01 as Ex.PW-1/1.

ii. Copy of CNIC of PW-02 as Ex.PW-2/1.

iii. Matric documents as Ex. PW-3/1.

iv. Copy of CNIC of Ahmadullah as Ex.PW-3/2.

v. Copy of CNIC of father of the plaintiff as Ex.PW-3/3.

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, and correction of name of the plaintiff's father, which, clearly, is a civil matter, and thus amenable to the jurisdiction of this court under section 09 of the

IJAZ MAHSOOD
Senior Civil Judge-cum
Orakzai at Baber Mela

(37)

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. It is claimed that correct date of birth of the plaintiff 20.03.2005 while the same have been erroneously recorded as 20.03.2004 by defendant. He further asserted that the date of birth of his elder brother is 01.01.2004 and that the incorrectly recorded date of birth creates an unnatural age difference between the two brothers. Hence, he sought rectification of his date of birth in the relevant record.

Mr. Sawid, the real brother of the plaintiff, categorically deposed that the actual date of birth of the plaintiff is 20.03.2005, whereas his elder brother's date of birth is 01.01.2004. He further testified that the correct name of their father is Shamadar Khan, and not Shamadar, as erroneously recorded by the defendant. He fully corroborated the plaintiff's stance regarding the incorrect particulars entered in the educational record maintained by the defendant.

Similarly, PW-02, Haji Muhammad, also supported the plaintiff's version and corroborated the factual assertions made in the plaint.

IJAZ MAHSOOD
Senior Civil Judge/JM
Orakzai at Baber Mela

The plaintiff himself appeared as PW-03 and reiterated his stance on oath, maintaining that his correct date of birth is 20.03.2005, whereas the same has been incorrectly entered as 20.03.2004 in the matriculation record.

Defense's only witness concedes that he rely of the record of secondary school certificate of Kohat Board wherein date of birth of the plaintiff is correctly entered.

On the other hand, DW-01, the legal advisor of the defendant Board, primarily relied upon the existing educational record maintained by the Board. His testimony establishes the existence of the disputed entry; however, it does not independently establish the factual correctness of the date recorded therein. He also acknowledged that the particulars relating to the plaintiff's date of birth had originally been furnished by the plaintiff himself.

In the instant case, the plaintiff has also placed on record the CNIC of his brother, Ahmadullah, as Ex.PW-3/2, along with his own matriculation documents. The documentary evidence, when examined in conjunction with the oral testimony of the witnesses, requires consideration in determining the actual date of birth of the plaintiff.

A further circumstance brought to the notice of this Court is that the plaintiff and his brother, Ahmadullah, are shown to have a very short interval between their respective dates of

IJAZ MAHSOOD
Senior Civil Judge/JM
Orakzai at Baber Mela

(39)

birth. The plaintiff has also furnished an affidavit asserting that both brothers were born to the same mother. The said circumstance, in the absence of any rebuttal from the defendant, lends support to the plaintiff's version.

Although an affidavit or oral assertion, by itself, cannot be treated as conclusive proof of date of birth, the cumulative effect of the evidence available on record, including the testimony of the witnesses and the documentary material, has to be assessed as a whole.

In view of the foregoing discussion, this Court finds that the plaintiff has succeeded in establishing his claim regarding his actual date of birth. Accordingly, this issue is decided in favour of the plaintiff.

Issue No. 3:

The plaintiff has also sought correction of his father's name, asserting that his correct name is Shamadar Khan, whereas the defendant has recorded it as Shamadar.

In support of this assertion, the plaintiff produced the copy of his father's CNIC as Ex.PW-3/3. The said document reflects the name of the plaintiff's father as Shamadar Khan. The testimony of PW-01 also supports the plaintiff's assertion in this regard.

IJAZ MAHSOOD
Senior Civil Judge/JM
Orakzai at Baber Mela

(40)

The defendant has not produced any independent documentary evidence to rebut the aforementioned document or to establish that the entry maintained by it is factually correct.

It is settled that an official identity document is relevant evidence regarding the particulars recorded therein. In the absence of any contrary material, the document produced by the plaintiff sufficiently supports his assertion regarding the correct name of his father.

Consequently, this issue is also decided in favour of the plaintiff.

RELIEF:

In view of the foregoing discussion and findings on the issues, if the plaintiff has successfully established his claim through reliable and convincing evidence, the suit is liable to be decreed in his favour.

It is hereby declared that the actual and correct date of birth of the plaintiff, Arshad Ullah, is **20.03.2005**, instead of 20.03.2004, as recorded in the relevant educational record maintained by the defendant.

It is further declared that the correct name of the plaintiff's father is **Shamadar Khan**, instead of Shamadar, as recorded in the relevant educational record.

The defendant is accordingly directed to make the necessary corrections in the relevant record, including the

IJAZ MAHSOOD
Senior Civil Judge
Orakzai at Baber Mela

(41)

matriculation record of the plaintiff, in accordance with the declarations made herein.

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

ANNOUNCED
07.11.2026

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

CERTIFICATE

It is certified that this judgment consists of 08 pages. Each page has been dictated, read, corrected and signed by me.

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