IN THE COURT OF NOOR UL HAQ,
Civil Judge-II, Tehsil Court Kalaya, Orakzai.

Suit No.....109/1 of 2026.

Date of Institution..... 13.10.2026.

Date of decision.....04.11.2026.

Rab Nawaz Khan S/O Sher Wali R/O Qoum Feroz Khel, Tappa Jaisal Khel Tehsil Lower District Orakzai..... **(Plaintiff)**

Versus

1. Chairman NADRA, Islamabad.
2. Director General NADRA, KPK, Peshawar.
3. Assistant Director NADRA, District Orakzai.

..... **(Defendants)**

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SUIT FOR DECLARATION & PERMANENT INJUNCTION.

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Judgment:

04.11.2026

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 in the backdrop are that plaintiff has filed the instant suit for declaration cum-permanent injunction to the effect that, as per service record and DMC his true and correct date of birth is **01.01.1995**, however, defendants have incorrectly entered the same as **01.01.2002** which is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. That defendants were asked time and again to rectify date of birth of plaintiff 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 as per service record and DMC is 01.01.1995 however defendants have incorrectly entered the same as 01.01.2002? 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.

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During course of recording evidence, plaintiff himself appeared and recording his statement as PW-01. He stated that his father, Sher Wali martyr in a bomb blast in the year 2013 while serving in a police department. Since he was martyred during the course of his official duties, he was appointed in the Police Department against the deceased quota in place of his late father, pursuant to Letter No. 953-54/PA/LK dated 30.04.2013, issued by the Political Agent, Orakzai Agency. As per his Service Book, his date of birth is recorded as 01.01.1995. He further stated that he is matriculate and his date of birth i.e. 01.01.1995 is correctly mention in his DMC. DMC is Ex.PW-1/1. Service Book is Ex.PW-1/2. Medical certificate is Ex.PW-1/3. Defendants have incorrectly entered his date of birth as 01.01.2002. Copy of his CNIC is Ex.PW-1/4.

During cross examination he stated that he did not know which documents, he brought for the recruitment.

Iftekhar 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, 1/4 & Form-B is Ex.DW-1/5. As per which correct date of birth of plaintiff is 01.01.2002. As per NADRA SOPs every citizen having Union Council Birth certificate, Matric certificate and service book after getting NOC from concerned department can change his date of birth.

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Orakzai at Kalaya
26.11.26.

During cross examination he stated that today he seen original service book and DMC of plaintiff. It is correct that the service book and DMC is in the name of Rab Nawaz Khan and date of birth 01.01.1995 is correctly mentioned therein.

Claim of plaintiff is that his true and correct date of birth as per service book and DMC is ***01.01.1995,*** but defendants have incorrectly recorded the same as ***01.01.2002*** in their record, which is wrong and liable to be rectified. Oral evidence produced by plaintiff is also supportive to the averments of plaint. Defendants failed to establish that the exhibited record in favor of plaintiff is managed or manipulated one. Plaintiff is a young man and could not be presumed to have instituted the suit for any undue advantage or ulterior motive. Moreover, Service Book and Matric Certificate also support claim of plaintiff.

Plaintiff produced cogent, convincing as well as oral evidence in support of his 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 ***01.01.1995***. 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.

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26.

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
04.11.2026.

04/11/26.

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.

04/11/26.

Noor Ul HAQ
Civil Judge-II, Tehsil Court
Kalaya Orakzai