

**IN THE COURT OF ZAHIR KHAN**  
**CIVIL JUDGE-I, TEHSIL KALAYA, ORAKZAI**

Suit No.....17/1 OF 2022.

Date of Institution.....08.02.2022.

Date of Decision.....17.10.2022.

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1. Mosawir Shah,
  2. Said Anwer Shah both sons of Sarfaraz R/O Qaum Mishti, Tappa Darvi  
Khel, Tehsil Central, District Orakzai. (through father)
- .....(Plaintiff)

**VERSUS**

1. Assistant Director NADRA, Orakzai.
- .....(Defendant)

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**SUIT FOR DECLARATION & PERMANENT INJUNCTION**  
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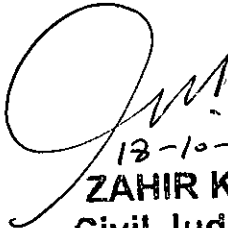
**JUDGEMENT**  
**17.10.2022**

Through this judgement, I am going to dispose of the instant suit filed by plaintiffs namely Mosawir Shah and Said Anwer Shah against defendant Assistant Director NADRA, Orakzai for declaration and permanent injunction.

Brief facts in the backdrop are that plaintiffs have filed the instant suit for declaration cum-permanent injunction to the effect that, as per

Secondary School Certificate and Computerized Birth Registration Certificate, true and correct date of birth of plaintiff No. 1 is 14.03.2006 as per Birth Registration Certificate, true and correct date of birth

of plaintiff No. 2 is 07.04.2007 however, defendant has incorrectly

  
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**ZAHIR KHAN**  
Civil Judge  
Kalaya Orakzai

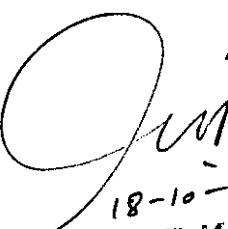
entered the date of birth of plaintiff No. 1 as 25.05.2001 and that of plaintiff No. 2 as 30.03.2003 which entries are wrong, illegal and ineffective upon the rights of plaintiffs and liable to be rectified. That defendant was asked time and again to rectify date of birth of plaintiffs but in vain hence, the present suit.

After institution of the suit, defendant was summoned, who marked his attendance through representative and contested the suit by filing authority letter and written statement.

From divergent pleadings of the parties, the following 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 No. 1 is 14.03.2006 instead of 25.05.2001 and plaintiff No. 2 is 07.04.2007 instead of 30.03.2003? OPP
3. Whether plaintiff is entitled to the decree as prayed for? OPP
4. Relief?

  
18-10-022  
ZAHIR KHAN  
Civil Judge JM  
Kalaya Orakza

Upon submission of list of witnesses, both the parties on being provided with an opportunity to adduce their desired evidence, the parties produced their respective evidence.

After the completion of evidence, arguments of the learned counsel for the parties were heard and record of the case file was gone through with their valuable assistance.

During course of recording evidence, plaintiff produced two witnesses.

Intekhab Ali, School teacher Government High School, Anjani, appeared and deposed as PW-01. He produced admission withdrawal register of plaintiff No. 2. Copy of his CNIC and admission withdrawal register are Ex. PW-1/1 and Ex. PW-1/2. As per which, date of birth of plaintiff No. 2 is recorded as 07.04.2007.

Father of Plaintiff No. 1 appeared and deposed as PW-02. Copy of Secondary School Certificate and Computerized Birth Registration Certificate of plaintiff No. 1 are Ex. PW-2/1 and Ex. PW-2/2. Form B is Ex. PW-2/3 and Computerized Birth Registration Certificate of plaintiff No. 2 is Ex. PW-2/4. Copy of his CNIC is Ex. PW-2/5. He lastly requested for decree of suit in favour of plaintiffs against the defendant.

Thereafter, evidence of plaintiffs was closed. Nothing contradictory could be brought on record from PWs.

Irfan Hussain (Representative of NADRA, Orakzai) appeared as DW-01. Copy of Form B already exhibited as Ex. PW2/3. He stated that plaintiff has been issued Form B as per information provided by father of plaintiffs and that they have got no cause of action and lastly requested for dismissal of suit. Thereafter, evidence of defendant was closed.

*JUM*  
13-10-2022

**ZAHIR KHAN**  
Civil Judge  
Kalaya Orakza

My issue wise findings are as under: -

ISSUE NO.2:

Claim of plaintiff is that true and correct date of birth of plaintiff No. 1 is 14.03.2006 and as per Birth Registration Certificate, true and correct date of birth of plaintiff No. 2 is 07.04.2007 however, defendant has incorrectly entered the date of birth of plaintiff No. 1 as 25.05.2001 and plaintiff No. 2 as 30.03.2003 which entries are wrong, illegal and ineffective upon the rights of plaintiffs and liable to be rectified.

As per Ex. PW-2/1 (SSC) and Ex. PW-2/2 (Computerized Birth Registration Certificate) date of birth of plaintiff No. 1 is recorded as 14.03.2006. SSC carries weight as presumption of correctness is attached to it. Similarly, as per Ex. PW-1/2 (Admission and Withdrawal Register) and Ex. PW-2/4 (Computerized Birth Registration Certificate) date of birth of plaintiff No. 2 is recoded as 07.04.2007. Plaintiffs are young persons and could not be presumed to have instituted the instant case for any ulterior motive. The modification/rectification sought by plaintiffs will not affect rights of others. More so, DW-01, in his cross examination stated that he has got no objection on correction of date of birth of plaintiffs in their record on the strength of record produced by plaintiffs.

*JM*  
12-10-22  
ZAHIR KH/  
Civil Judge/JM  
Kalaya Ora

Keeping in view the above discussion and documentary as well as moral evidence available on file, it is held that correct date of birth of plaintiff No. 1 is 14.03.2006 and plaintiff No. 2 is 07.04.2007 which are correctly recorded in their school record as well as in Computerized Birth Registration Certificates. Date of birth of plaintiff No. 1 to be rectified/modified from 25.05.2001 to 14.03.2006 and date of birth of

plaintiff No. 2 to be rectified/modified from 30.03.2003 to 07.04.2007.

Issue decided accordingly.

**ISSUES NO.1 & 3.**

In the light of foregoing discussion, it is held that plaintiffs have got cause of action and they are entitled to the decree, as prayed for.

Both these issues are decided accordingly.

**RELIEF.**

Crux of my issue wise discussion is that suit of plaintiffs is hereby decreed in their favor against the defendant as prayed for. No order as to costs. This decree shall not affect the rights of any other person interested, if any.

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

**ANNOUNCED**  
**17.10.2022**



**Zahir Khan**  
Civil Judge-I, Kalaya, Orakzai

**CERTIFICATE**

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



**Zahir Khan**  
Civil Judge-I, Kalaya, Orakzai