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

Suit No.....96/1 of 2024.
Date of Institution.....20.09.2024.
Date of Decision.....25.11.2024.
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1. **Muhammad Suliman s/o Shamim Gul** R/O Qoum Ali
Khel, Tappa Imal Khan Khel, Ghiljo. Tehsil Upper,
District Orakzai.

.....(Plaintiff)

Versus

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

..... (Defendants)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION

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JUDGMENT
25.11.2024

This judgment decides instant case filed by Mr.
Suliman for correction of address and date of birth in his record
with the defendants.

Pleadings:

The claim as related in the plaint reads that correct
date of birth of plaintiff is 16/09/96 while the defendants have
erroneously recorded it as 05/10/1988. It is further alleged that

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when defendants were requested to rectify the mistake extra-judicially, they declined, hence the suit.

In rebuttal, 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 asserts that date of birth was supplied by plaintiff himself and is recorded correctly.

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 plaintiff is 16/09/96?
3. Relief.

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

Witnesses/Exhibits:

School leaving certificate is Ex.PW-1/1

CNIC of sister of the plaintiff is Ex.PW-1/2.

CNIC of the plaintiff is Ex.PW-1/6.

Domicile Certificate is Ex.PW-1/4.

CNIC of PW-03 is Ex.PW-3/1

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Reasons/Reasoning:

Issue wise reasoning of the court following 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. Plaintiffs have sought correction of records in respect of their parents, 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: whether the correct date of birth of plaintiff is 16/09/96.

Plaintiff conceded at the bar that he applied for and acquired a CNIC himself, as his father had passed away in the former's childhood. Upon inquiry by the court, he could recollect his birth day that is being impugned and could not recall the one claimed.

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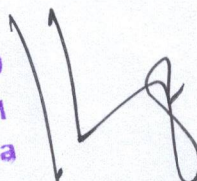
His academic record, as produced by the custodian of record Mr. Abdul Jalil who testified as PW-03, is also seriously suspect. All entries in the withdrawal register are of the same date, for both admission and school leaving. Scores of students have purportedly enrolled and left the school on same days. The register examined by court was too new and fresh in its outlook for a book purportedly been in use for over a decade.

Further, plaintiff concedes that he first acquired a CNIC in 2007, and again in 2016-17. The fact that CNIC can be acquired at the age of 18 years is common knowledge, and to presume that plaintiff attempted to acquire it at the age of 10, also does not appeal to mind.

Moreover, he is shown to have acquired a domicile certificate in the year 2006, which, if measured from 1996, would be at the age of ten years. In the academic system in place, it only for matriculation that a student is required to establish domicile credentials and not otherwise.

In these circumstances, the court is not convinced about merits of the plea of plaintiff. The practice of reducing age through judicial decrees, unless rigorously established seriously undermines employment market in general, and deserving

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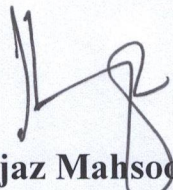


candidates in particular 06 years age advantage over competitors in any competition seriously prejudices the younger competitors.

The issue is decided against plaintiff. In view of the discussion above, the issue is decided for the plaintiffs. Costs shall follow.

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

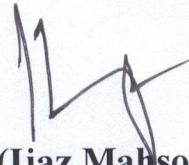
ANNOUNCED
25.11.2024



(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)