

20

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

Suit No.....108/1 of 2024

Date of Institution..... 04.11.2024

Date of Decision.....24.01.2025

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1. Mst. Laal Shahida w/o Noor Asghar, R/O Qoum Ali
Khel, Tappa Shawaz Khel, Tehsil Upper, District
Orakzai

.....(Plaintiff)

Versus

1. General Registrar NADRA, Islamabad
2. Deputy Registrar NADRA, Peshawar
3. Assistant Director NADRA

Through

System Engineer NADRA District Orakzai.

..... (Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

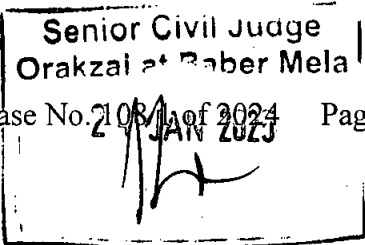
JUDGMENT

24.01.2025

This judgment decides instant case filed by Mst. Laal Shahida for correction of dates of birth of her parents in their record as maintained by the defendants.

Pleadings:

The claim as related in the plaint reads that correct dates of birth of plaintiff's father is 28.03.1938 and that of her



mother is 01.01.1940, while defendants have erroneously recorded the same as 28.03.1949 and 01.01.1960 respectively. It is claimed that the wrong dates leave unnatural age gap between plaintiff and her parents; hence, the suit.

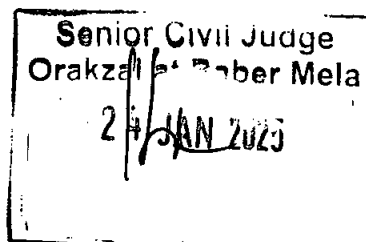
In rebuttal, the representative for the defendants has raised the regular objections to the legal validity of the claim, the standing of the plaintiff, and factual version of the matter. He asserts that birth dates of plaintiff's parents are not mentioned in family tree. He requests for dismissal of the suit.

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 the plaintiff's father is 28.03.1938 and that of her mother is 01.01.1940, while the defendants have wrongly entered the same as 28.03.1949 and 01.01.1960 respectively.*
3. *Relief.*

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



(22)

Witnesses/Exhibits:

Laal Shahid, the plaintiff herself appeared as PW-01, Noor Asghar s/o Said Asghar appeared as PW-02 and Iftikhar Ahmad, representative for the defendants appeared as DW-01 and exhibited the following documents;

- i. Copy of CNIC of PW-01 as Ex.PW-1/1.
- ii. Copy of CNIC of plaintiff's father is Ex.PW-1/2.
- iii. Copy of CNIC of plaintiff's mother is Ex.PW-1/3.
- iv. Copy of CNIC of PW-02 as Ex.PW-2/1.
- v. Family Tree as Ex.DW-1/1.

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 birth dates of her 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:

Senior Civil Judge
Orakzai at Paber Mela

23

This issue houses the heart of the suit: correct dates of birth of the parents of the plaintiff. It is claimed that correct birth dates are 28.03.1938 and 01.01.1940 of the father and the mother respectively, while defendant has wrongly recorded the same in their record. With the defense, the records show unnatural gap of age between the plaintiff and her parents.

Defense's only witness concedes that birth dates of the plaintiff's parents have not been mentioned in family tree. He further admits that according to CNIC, there is unnatural gap of age between the plaintiff and her parents.

Naturally, it is biologically impossible for a human to have given birth to another human within 02 years of its own birth. Defendants record show an age difference of two years between the plaintiff and her mother Mst. Laal Shahida. Similarly, it shows an age difference of 11 years with her father.

In these circumstances, it is rational and prudent to accept the claim of the plaintiff as true. It has been established from the available record that birth dates of parents of the plaintiff have been wrongly recorded by the defendants and they have nothing solid documentary evidence regarding dismissal of the suit.

In view of the discussion above, the issue is decided for the plaintiff.

Senior Civil Judge
Orakzai at Baber Mela
24 JAN 2025
[Signature]


24

RELIEF:

Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in her favor against the defendants as prayed for. Date of births of plaintiffs' mother and father are declared as 01.01.1940 and 28.03.1938 respectively. All the defendants are advised to bring their record in line with this judgment No order as to cost. This decree shall not affect the rights of other persons interested, if any.


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

ANNOUNCED
24.01.2025


(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)