

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

Suit No.....21/1 of 2025

Date of Institution.....03.03.2025

Date of Decision.....11.04.2025

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**Umar Jana w/o Islam Din, R/O Qoum Akhel, Tappa Dalak
Nawasi, District Orakzai.**

.....(*Plaintiff*)

Versus

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

..... (*Defendants*)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

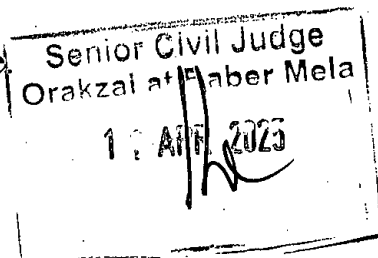
JUDGMENT

11.04.2025

This judgment decides instant case filed by Mst. Umar Jana for correction of date of birth in her record as maintained by the defendants.

Pleadings:

Plaintiff has filed for correction of her date of birth on the ground of having unnatural gap with one of her son Mr. Sakhi Badshah. She contends that the age difference shown by defendants between her and her children is biologically impossible.



During the course of trial, it was discovered that Mr. Sakhi Badshah is not listed in her family tree as maintained by the defendants, probably an omission. Plaintiff requests for considering her plea of having unnatural gap with another son listed in the family tree supplied by the defendants.

Counsel for defendants withheld any resistance to the petition. Application is granted, and its content is to be treated as part of the pleadings for the plaintiff.

The claim as related in the plaint reads that correct date of birth of the plaintiff is 01.01.1942 while the same has been erroneously recorded as 01.01.1961 by defendants.

Defendants were summoned who appeared through their representative and submitted written statement. They concede that as per their policy unnatural gap between parent and child is a genuine ground for seeking correction of records.

During the scheduling conference within the meaning of order IX-A of CPC, it was revealed that the matter involves simple adjudication, which can be decided through summary judgement as per relevant record and admitted record. To this effect notice was

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given to the parties that why not the case in hand be

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decided on the basis of available record without recording lengthy evidence, as the primary aim and objective of Amended Management Rules in CPC is, "to enable the court to-

- a. Deal with the cases justly and fairly;
- b. Encourage parties to alternate dispute resolution procedure if it considers appropriate;
- c. Save expense and time both of courts and litigants;
- and
- d. Enforce compliance with provisions of this Code."

Learned counsel for plaintiff and representative for defendants heard and record gone through.

Record/family tree reveals that date of birth of the plaintiff is 01.01.1961 while that of her elder son namely Sultan Badshah is 01.07.1964, thus there is a gap of 03 years and 06 months between the dates of birth of the plaintiff and her son, which is very unnatural. So, the family tree of the plaintiff clearly negates the incorporation of her date of birth as 01.01.1961 in her CNIC.


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Unnatural gap, when established on the face of record does not require further proof. In the situation at

hand, the best solution, if not a good one, is to grant the prayer, so as to remove future complications. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby **decreed** as prayed for. Correct date of birth of the plaintiff is declared as 01.01.1942. The defendants are advised to bring their record in line with this judgment. Costs shall follow the event.


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

ANNOUNCED
11.04.2025


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

CERTIFICATE

It is certified that this judgment consists of 04 pages. Each page has been dictated, read, corrected and signed by me.


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