

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

Suit No.....110/1 of 2024

Date of Institution.....07.11.2024

Date of Decision.....19.04.2025

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Waheed Ullah s/o Abdul Man Shah, R/O Section Ali
Khel, Jasrat Khel, Orri Baar, Tehsil Upper, District
Orakzai.

.....(Plaintiff)

Versus

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

..... (Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

JUDGMENT

19.04.2025

This judgment decides instant case filed by Mr.
Waheed Ullah for correction of his date of birth in his record as
maintained by the defendants.

Pleadings:

The claim as related in the plaint reads that correct
date of birth of the plaintiff is 10.05.2002 while it has been
erroneously recorded as 10.05.1995 by defendants. That correct

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date of birth of his mother is 01.01.1985 which leaves unnatural age gap between plaintiff and his mother; 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 concedes that according to family tree, there is unnatural age gap between plaintiff and his mother. 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 is 10.05.2002 while it has been erroneously recorded as 10.05.1995 by defendants?*
- 3. Relief.*

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

Witnesses/Exhibits:

Abdul Man Shah, father of the plaintiff appeared as

PW-01, Ali Askar, special attorney for the plaintiff as PW-02 and

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Iftikhar Ahmad, representative of defendants as DW-01. They have exhibited the following documents;

- i. Copy of CNIC of PW-01 as Ex.PW-1/1.
- ii. Copy of CNIC of wife of PW-01 as Ex.PW-1/2.
- iii. Copy of CNIC of PW-02 as Ex.PW-2/1.
- iv. Copy of CNIC of the plaintiff as Ex.PW-2/2.
- v. Special Power of attorney as Ex.PW-2/3.
- vi. Copy of CNIC of Mst. Maweez Bibi as Ex.PW-2/4.
- vii. Copy of CNIC of plaintiff's grandfather as Ex.PW-2/5.
- viii. Copy of CNIC of plaintiff's grandmother as Ex.PW-2/6.
- ix. Family Trees as Ex.DW-1/1 and Ex.DW-1/2.

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 his date of birth, 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.

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Issue No 02:

This issue houses the heart of the suit: correct date of birth of the plaintiff. It is claimed that correct date of birth of the plaintiff is 10.05.2002 while the same has been wrongly recorded as 10.05.1995 by defendants. Records show unnatural gap of age between the plaintiff and his mother.

Abdul Manan Shah, father of the plaintiff took the stand as PW-01 who supported the stance of the plaintiff. He further narrated that he has got married with Mst. Maweez Bibi in the year 2000 and it is impossible to have a child before marriage.

Ali Askar, special attorney took the stand as PW-02 and repeated the contents of the plaint and requested for decree of the suit.

Defense's only witness concedes that according to family tree, there is unnatural age gap between plaintiff and her mother.

All the PWs were cross-examined. During cross examination of PWs it has been found that date of birth of the plaintiff mentioned in birth certificate of the plaintiff is 10.05.1995, the genuineness of which has not been denied.

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Record reveals that plaintiff applied for and acquired a CNIC in the year 2015. He had supplied a birth certificate with the impugned particulars. Further, he has apparently acquired a domicile certificate in the year 2012. Domiciles, it is commonplace knowledge, were previously used for registration for matriculation exam.

Plaintiff would have acquired a CNIC if his date of birth is admitted to be 2012. Such turn of events, unless established through compelling evidence, is highly improbable.

On the other hand, the fact of there being unnatural gap between plaintiff and her mother is irrefutable.

In these circumstances, the court is of the view that plaintiff is seeking to remove unnatural gap between him and his mother. Representative for NADRA opined that the gap issue could be cured by removing the date of birth of the mother to a legally compatible age. Accordingly, NADRA shall remove the date of birth backwards to a year that resolves the issue of unnatural gap. Issue is decided accordingly.

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

RELIEF:

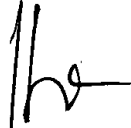
In view of the discussion and findings above, suit is dismissed to the extent of plea of the plaintiff seeking correction

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of date of birth. *However, defendants shall correct/adjust the birth date of the mother of the plaintiff namely Mst. Maweez Bibi to prevent unnatural age gap between them.* Costs shall follow the event.


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

ANNOUNCED
19.04.2025


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

CERTIFICATE

It is certified that this judgment consists of 06 pages. Each page has been dictated, read, corrected and signed by me.


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