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

Suit No..... 24/1 of 2025

Date of Institution..... 26.03.2025

Date of Decision.....22.04.2025

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**Mst. Zali Marjan s/o Moheet Shah**, R/O Rabia Khel,  
Tappa Ayaz Khel, Khee Kada, Tehsil Upper, District  
Orakzai.

.....(*Plaintiff*)

**Versus**

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

*Through System Engineer, District Orakzai*

..... (*Defendants*)

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**SUIT FOR DECLARATION & PERMANENT INJUNCTION**

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**JUDGMENT**

22.04.2025

This judgment decides instant case filed by Mst. Zali Marjan for correction of her date of birth and husband's name in her record as maintained by the defendants.

**Pleadings:**

The claim as related in the plaint reads that correct

date of birth of the plaintiff is 01.06.1956 while the same have been erroneously recorded as 1970 and Eid Shah by defendants.

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That correct date of birth of her elder son namely Muhammad Hayat is 1975, which leaves unnatural age gap between plaintiff and her son; 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 her son.

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 01.06.1956 and correct name of her husband is Muheet Shah while the same have been erroneously recorded as 0970 and Eid Shah Shah 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:**

Mst. Zali Marjan, the plaintiff herself appeared as PW-01, Muhammad Hayat, son of the plaintiff as PW-02, Hamid Khan s/o Abdul Badshah, relative of the plaintiff as PW-03 and

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Iftikhar Ahmad, representative for the defendants as DW-01.

They have exhibited the following documents;

- i. Copy of expired CNIC of the plaintiff as Ex.PW-1/1.
- ii. Copy of current CNIC of the plaintiff as Ex.PW-1/2.
- iii. Copy of MNIC of husband of the plaintiff as Ex.PW-1/3.
- iv. Copy of CNIC of son namely Muhammad Hayat of the plaintiff as Ex.PW-1/4.
- v. Special power of attorney as Ex.PW-1/5.
- vi. Copy of CNIC of PW-03 as Ex.PW-3/1.
- vii. 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 her date of birth and name of her husband, 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 and husband's name of the plaintiff. It is claimed that correct date of birth of the plaintiff is 01.06.1956 while the same have been erroneously recorded as 1970, and her spouse's name is wrongly recorded as Eid Shah by defendants. Records show unnatural gap of age between the plaintiff and her son.

Mst. Zali Marjan, the plaintiff herself took stand as PW-01 and repeated the contents of the plaint. She requested for correction of date of birth and husband's name in her record.

Mr. Muhammad Hayat, son and special attorney of the plaintiff took stand as PW-02 and supported the stance of the plaintiff by narrating the same story as in the plaint.

Hamid Khan, relative of the plaintiff took stand as PW-03 who also supported the stance of the plaintiff.

Defense's only witness concedes that according to family tree, there is unnatural age gap between plaintiff and her son namely Muhammad Hayat. He further concedes that name of husband of the plaintiff is mentioned as Muheed Shah in MNIC and also mentioned as Muheet Shah in the CNIC Muhammad Hayat and requested for dismissal of the suit.

Biologically it is impossible for a human to have given birth to another human within 05 years of his/her own birth.

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Defendant's record shows an age difference of 05 years between the plaintiff and her son namely Muhammad Hayat.

Similarly, in the family tree, the spouse of the plaintiff is recorded as Muheet Shah, whereas in her CNIC is recorded as Eid Shah, which apparently is an outcome of verbal miscommunication.

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 date and name of husband 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.

**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 birth of the plaintiff is declared as 01.06.1956 and name of her husband as Mr. Muheet Shah.* Defendants shall bring their records in line with this judgment. Costs shall follow the event. This decree shall not affect the rights of other persons interested, if any.

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

**ANNOUNCED**

22.04.2025

**(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)