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

Suit No..... 17/1 of 2025

Date of Institution..... 25.02.2025

Date of Decision..... 26.04.2025

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1. Mst. Raheem Jana w/o Muhammad Sadiq

2. Shehzad Khan s/o Muhammad Janan

Both R/O Bagaro, Tehsil Upper, District Orakzai

.....(Plaintiffs)

Versus

1. General Registrar NADRA, Islamabad.

2. Deputy Registrar NADRA, Peshawar.

3. Assistant Director NADRA, Orakzai

Through System Engineer, District Orakzai

..... (Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

JUDGMENT

26.04.2025

This judgment decides instant case filed by Mst. Raheem Jana and one other for correction of their dates of birth and father's name in their record as maintained by the defendants.

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23 APR 2025
Readings:

The claim as related in the plaint reads that correct date of birth of the plaintiff no. 01 is 02.01.1967 and that of

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plaintiff no. 02 is 02.01.1972 while the same have been erroneously recorded as 01.01.1960 and 01.01.1965 by defendants. That correct date of birth of their father namely Muhammad Janan is 1950, which leaves unnatural age gap between plaintiff and her son. Furthermore, correct name of the father of plaintiff no. 02 is Muhammad Janan while defendants have erroneously recorded the same as Janan Khan; 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 plaintiffs, and factual version of the matter. He concedes that according to family tree, there is unnatural age gap between plaintiffs and their father.

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 no. 01 is 02.01.1967 and that of plaintiff no. 02 is 02.01.1972 while the same have been erroneously recorded as 01.01.1960 and 01.01.1965 by defendants and correct name of the father of plaintiff no. 02 is Muhammad Janan while defendants have erroneously recorded the same as Janan Khan.*
- 3. Relief.*

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

Witnesses/Exhibits:

Mst. Raheem Jana, the plaintiff no. 01 herself appeared as PW-01, Shehzad Khan, the plaintiff no. 02 himself as PW-02, Iran Khan, brother of the plaintiffs as PW-03 and Iftikhar Ahmad, representative of defendants as DW-01. They have exhibited the following documents;

- i. Copy of CNIC of the father of the plaintiffs is Ex.PW-1/1.
- ii. Copy of CNIC of PW-01 (plaintiff no. 01) is Ex.PW-1/2.
- iii. Copy of CNIC of PW-02 (plaintiff no. 02) is Ex.PW-2/1.
- iv. Copy of CNIC of PW-03 as Ex.PW-3/1.
- v. Family Trees as Ex.DW-1/1 to Ex.DW-1/4.

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. Plaintiffs have sought correction of their dates of birth and father's name which, clearly, is a civil matter, and thus amenable to the jurisdiction of this court under section 09 of the civil procedure

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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: correct date of birth of the plaintiffs and father's name. It is claimed that correct date of birth of the plaintiff no. 01 is 02.01.1967 and that of plaintiff no. 02 is 02.01.1972 while the same have been erroneously recorded as 01.01.1960 and 01.01.1965 respectively and father's name of the plaintiff no. 02 is wrongly recorded as Janan Khan by defendants. Records also show unnatural gap of age between the plaintiffs and their father.

Mst. Raheem Jana, the plaintiff no. 01 herself took stand as PW-01 and repeated the contents of the plaint. She requested for correction of dates of birth and parentage name.

Mr. Shehzad Khan, plaintiff no. 02 himself took stand as PW-02 who also repeated the same story as alleged in the plaint.

Iran Khan, brother of the plaintiffs took stand as PW-03 who supported the stance of the plaintiffs.

Defense's only witness concedes that according to family tree, there is unnatural age gap between plaintiffs and their

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father namely Muhammad Janan. He further concedes father's name is correctly mentioned in record of defendants and all the particulars were provided by the plaintiffs their self. He requested for dismissal of the suit.

Biologically it is impossible for a human to have given birth to another human within 10/15 years of his/her own birth. Defendant's record shows an age difference of 10/15 years between the plaintiffs and their father.

Similarly, in the family tree of plaintiff no. 01 and in CNIC of PW-03 (siblings of plaintiff no. 02), their father's name is recorded as Muhammad Janan, whereas in record of plaintiff no. 02 is recorded as Janan Khan, which apparently is an outcome of verbal miscommunication.

In these circumstances, it is rational and prudent to accept the claim of the plaintiffs as true. It has been established from the available record that birth dates of the plaintiffs and name of father of plaintiff no. 02 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 plaintiffs.

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RELIEF:

Crux of my issue wise discussion is that suit of the plaintiffs is hereby decreed in their favor against the defendants as prayed for. *Date of birth of the plaintiff No. 01 is declared as 02.01.1967 and plaintiff no. 02 is 02.01.1972. Similarly, name of the father of plaintiff no. 02 is declared as Mr. Muhammad Janan.* 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.


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

ANNOUNCED
26.04.2025


(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)