

IN THE COURT OF HAQ NAWAZ,
DISTRICT JUDGE, ORAKZAI (AT BABER MELA)

CIVIL APPEAL NO. : 5/13 OF 2025
DATE OF INSTITUTION : 20.05.2025
DATE OF DECISION : 23.05.2025

WAHEED ULLAH S/O ABDUL MANAN SHAH, CASTE ALI KHEL,
TAPA JASRAT KHEL, ORI BAR, TEHSIL UPPER, DISTRICT
ORAKZAI

.....(APPELLANT)

-VERSUS-

1. REGISTRAR GENERAL, NADRA, ISLAMABAD
2. DEPUTY REGISTRAR GENERAL, PESHAWAR
3. ASSISTANT DIRECTOR, NADRA DISTRICT ORAKZAI
THROUGH SYSTEM ENGINEER NADRA OFFICE, DISTRICT
ORAKZAI

..... (RESPONDENTS)

Present : Mr. Noor Karim Advocate for appellant.
: Mr. Iftikhar Ahmed, the representative of respondents.

JUDGEMENT
23.05.2025

This civil appeal was preferred by the appellant against the judgment and decree dated 19.04.2025 passed by the Court of learned Senior Civil Judge, Orakzai, in civil suit No. 110/1 of 2024.

2. The suit was brought by the appellant for declaration and mandatory injunction with regard to correction of his date of birth as 10.05.2002 instead of 10.05.1995, entered in the record of respondents.

3. According to averments of the plaint, the correct date of birth of the appellant is 10.05.2002 which was wrongly entered in the record of respondents as 10.05.1995. It was submitted that the date of birth of the mother of the appellant was entered in the record of respondents as 01.01.1985. Hence, there is unnatural gap between the dates

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of birth of the appellant and his mother in the record of respondents. He repeatedly asked the respondents to correct their record, but they refused; therefore, the suit was filed.

4. The respondents in their written statement admitted the unnatural gap between the dates of birth of the appellant and his mother and submitted that it may be corrected on the basis of Birth Certificate, issued from the Secretary Union Council. Pleadings of the parties were reduced to the following issues;

I. Whether suit is valid in its legal frame, and the court is competent to hear it?

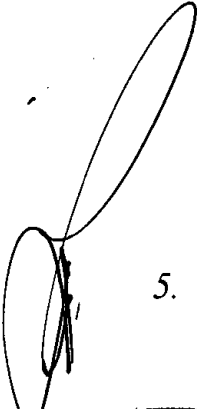
II. Whether correct date of birth of the plaintiff is 10.05.2002 while it has been erroneously recorded as 10.05.1995 by defendants?

III. Relief.

5. After recording pro and contra evidence and hearing both the parties, the learned trial court dismissed the suit through his impugned judgment and decree, hence this appeal was filed.

6. I have heard learned counsel for the appellant and representative of the respondents and perused the record.


7. The learned trial court observed in the impugned judgment that the appellant applied for his CNIC in the year 2015 on the basis of his Birth Certificate. It was further observed



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that the appellant obtained his Domicile Certificate in the year 2012 which is normally prepared at the time of matriculation. However, the perusal of CNIC of the appellant, which was produced before the court as Ex. PW 2/2, shows that it was issued on 03.03.2022 and it was the CNIC of his mother Ex. PW 2/4, which was issued on 17.12.2015. The Birth Certificate of the appellant available on record, having his date of birth as 10.05.1995, was issued by the respondents themselves for the correction of which the suit was filed. So far, the issuance of Domicile Certificate in the year 2012 at the time of matriculation is concerned, needless to mention that the record does not depict that the appellant ever attended any school. Secondly, the Domicile Certificate may not necessarily be obtained at the time of matriculation.

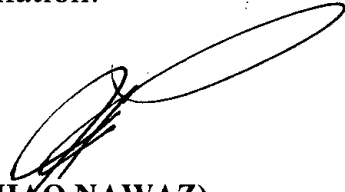
8. The respondents in their written statement have admitted unnatural gap between the dates of birth of the appellant and his mother. They further submitted that the record may be corrected on the basis of Birth Certificate issued by the Secretary Union Council concerned. The father of the appellant in his statement before the court deposed as PW-1 that his marriage with mother of the appellant was taken place in the year 2000. His statement in this respect was not cross examined. The mother of the appellant later on obtained her CNIC Ex. PW 2/4 in the year 2015.



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9. In view of the above facts and circumstances, the date of birth as 10.05.1995, entered in the record of respondents, is proved to be incorrect which has not only unnatural gap with the date of birth of his mother, but by that time the parents of the appellant did not marry with each other. The appeal is, therefore, accepted. The impugned judgment and decree are set aside and suit of the appellant is decreed as prayed for. File of this court be consigned to record room after its necessary completion and compilation.

Announced:
23.05.2025

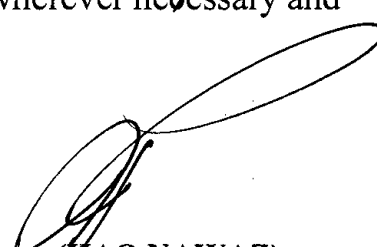

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CERTIFICATE

Certified that this judgment consists of four (04) pages.
Each page has been read, corrected wherever necessary and signed by me.

Dated: 23.05.2025


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