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

Suit No.....06/1 (neem) of 2025

Date of Original Institution.....08.01.2025

Date of Remand Back16.04.2025

Date of Decision.....26.07.2025

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Mr. Qimat Khan s/o Wajid Ali, R/O Qoum Bar
Muhammad Khel, Tappa Khwaidad Khel, Tehsil Upper,
District Orakzai.

.....(Plaintiff)

Versus

1. Chairman NADRA, Islamabad.
2. Director General NADRA, Hayatabad, Peshawar.
3. Assistant Director NADRA, Orakzai.

..... (Defendants)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION

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JUDGMENT

26.07.2025

This judgment decides instant case filed by Mr. Qimat Khan 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 01.01.1983 while it has been erroneously recorded as 1978 by defendants. It is further asserted

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that plaintiff is a twin with his brother namely Mr. Sangeen Ali; 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, date of birth of the plaintiff is 1978 and alleged that neither any medical certificate nor any other supportive document regarding birth date of the plaintiff i.e 01.01.1983, is annexed.

The case is remanded back to the undersigned by the Hon'ble Addition District Judge-I, Orakzai vide judgment, Dated: 04.04.2025 with directions to decide the same afresh after recording the additional evidence of the plaintiff.

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 01.01.1983 while it has been erroneously recorded as 1978 by defendants?*
3. *Relief.*

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

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Witnesses/Exhibits:

Qimat Khan, the plaintiff himself appeared as PW-01, Sangeen Ali, brother of the plaintiff as PW-02, Taqdeer Ali s/o Sardar Ali, co-villager of the plaintiff as PW-03, Muqeela Jan, mother of the plaintiff as PW-04 and Iftikhar Ahmad, representative of defendants as DW-01. They have exhibited the following documents;

- i. Copy of CNIC of the plaintiff as Ex.PW-1/1.
- ii. Copy of CNIC of PW-02 as Ex.PW-2/1.
- iii. Copy of CNIC of PW-03 as Ex.PW-3/1.
- iv. Copy of CNIC of PW-04 as Ex.PW-4/1.
- v. Family Tree of the plaintiff as Ex.DW-1/1.

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

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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 plaintiff. It is claimed that correct date of birth of the plaintiff is 01.01.1983 while it has been erroneously recorded as 1978 by the defendants. Further, plaintiff claims to be a twin with his brother Mr. Sangeen Ali.

Plaintiff has alleged error against his entire record maintained by the defendants. However, in his support, he could furnish any document to testify for his claim.

Naturally, the court was drawn to dig his memory for the alternative set of facts claimed and alleged. Upon inquiry at the bar, in presence of his counsel, plaintiff could not tell his date of birth as claimed, or that of his alleged twin brother.

It is curious to note that the frequency of 'twin-births' is on a steady rise in the district, especially in court cases for correction of age. It is further observed with concern that plaintiff had concealed the fact of his having been an immigrant in possession of a NICOP. This information was supplied by the defendants when they produced the family tree. Subsequently, plaintiff also admitted it at the bar.

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Additional Evidence:

The purpose of additional evidence is to afford a side an opportunity to produce evidence which was either not available or obtainable during the trial. It is a corollary of the right to fair trial to give all relevant and admissible evidence a chance to assist in arriving at the truth of a pending matter.

In the instant case, the witnesses produced after remand are barely credible and reliable. One is an alleged twin brother of the plaintiff and another was born years after the plaintiff. Neither a twin, nor someone born afterwards can be expected to be witness of birth of plaintiff.

Similarly, mother of the plaintiff, if a natural and reliable witness, could have been produced during trial if she had better recollection of the incident. Plaintiff did not consider her a sound witness during trial.

In the socio-cultural context, where the plaintiff, who presumably is more involved and active in public life than his mother, could not tell the date of birth he claims for himself or his brother. It is highly improbable for his mother to have the knowledge.

The court is fully cognizant of the sympathetic treatment of the matter by defendants and the appellate forum,

and considering the socio-cultural conditions of merged, this

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court is inclined to clemency. However, misplaced leniency in appraisal of merits of a case sets a perilous precedent which should be avoided.

Defense's only witness relied upon the statement already recorded; wherein, he stated that according to family tree, the correct date of birth of the plaintiff was 1978 and that he had acquired a NICOP and Passport.

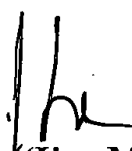
In these circumstances, the court is of the view that plaintiff is seeking to reduce his age, rather than set it right in records. Issue is decided against the plaintiff.

RULING:

In view of the discussion and findings above, suit is dismissed. Costs shall follow the event.


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

ANNOUNCED
26.07.2025


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

CERTIFICATE

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


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