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

Suit No.....29/1 of 2025.

Date of Institution.....23.04.2025.

Date of Decision.....14.07.2025.

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- 1. Muhammad Yousaf s/o Mina Gul.**
2. Mst. Noor Mar Gula w/o Mina Gul (deceased).

Both R/O Qoum Akhel, Tappa Dalak Nawasi, Tor
Kanrhi, Tehsil Ismail Zai, District Orakzai.

.....(Plaintiffs)

Versus

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

..... (Defendants)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION

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JUDGMENT

14.07.2025

This judgment decides instant case filed by Mr.
Muhammad Yousaf and Mst. Noor Mar Gul for correction of
parentage and date of birth as maintained by the defendants.

Pleadings:

The claim as related in the plaint reads that correct
name of the father of the plaintiff No. 01 is Mina Gul and that of
his mother is Noor Mar Gula while the defendants have wrongly

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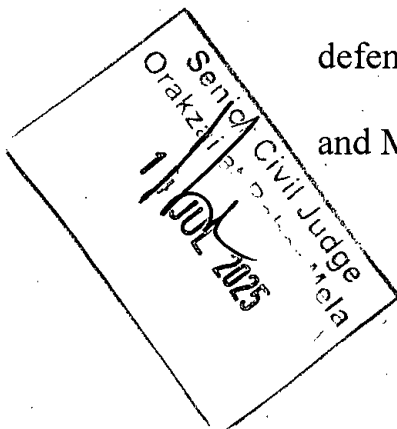
entered the same as Noor Shah and Masta Jana respectively. Furthermore, the correct date of birth of the plaintiff No. 02 is 01.01.1978 while the defendants have erroneously recorded the same as 01.01.1982. That correct date of birth of her son namely Muhammad Yousaf (plaintiff No. 01) is 02.08.1996, which leaves unnatural age gap between mother and son, hence the suit.

In rebuttal, the representative of 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 asserts that details regarding parentage and date of birth were supplied by the plaintiffs.

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 name of the father of the plaintiff No. 01 is Mina Gul and that of her mother as Noor Mar Gula while the defendants have wrongly entered their names as Noor Shah and Mst. Masta Jana respectively?



3. Whether correct date of birth of the plaintiff No. 02 is 01.01.1978 while the defendants have erroneously recorded the same as 01.01.1982?

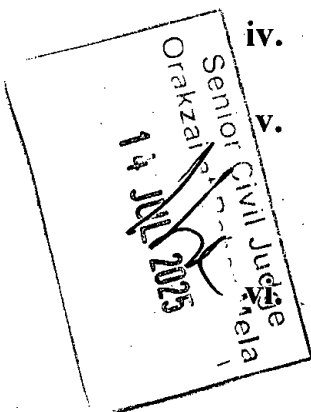
4. Relief.

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

Witnesses/Exhibits:

Mr. Muhammad Yousaf, the plaintiff No. 01 himself appeared as PW-01, Mst. Noor Mar Gula, plaintiff No. 02 appeared as PW-02, Mr. Gul Saif Khan s/o Gul Mir khan, uncle of the plaintiff No. 01 appeared as PW-03, and Mr. 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 death certificate of the father of the plaintiff as Ex.PW-1/2.
- iii. Copy of CNIC of PW-02 as Ex.PW-2/1.
- iv. Copy of CNIC of PW-03 as Ex.PW-3/1.
- v. NADRA Registration Form as Ex.DW-1/1 and Ex.DW-1/2.
- vi. Copy of birth certificate as Ex.DW-1/3.



- vii. Copy of old CNIC of the plaintiff as Ex.DW-1/4.
- viii. Death Certificate of deceased Masta Jana as Ex.DW-1/5.

Reasons/Reasoning:

Issue wise reasoning of the court following 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 parentage and 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 plaintiffs.

Issue No 02 and 03:

Both these issues are interlinked; hence, taken together for discussion.

The issues house the heart of the suit: correct parentage and date of birth of the plaintiffs. It is claimed that correct name of the father of plaintiff No. 01 is Mina Gul and that of his mother is Noor Mar Gula while the defendants have

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wrongly entered the same as Noor Shah and Masta Jana respectively in his record with NADRA. That correct date of birth of plaintiff No. 02 is 01.01.1978 while defendants have wrongly recorded the same as 01.01.1996. Records show unnatural gap of age between mother (plaintiff No. 02) and her son (plaintiff No. 01).

Mr. Muhammad Yousaf, the plaintiff No. 01 himself took the stand as PW-01 who repeated the contents of the plaint.

Mst. Noor Mar Gula, the plaintiff No. 02 herself took the stand as PW-02 who also narrated the same story as in the plaint and admitted Mr. Mohammad Yousaf as her son.

Mr. Gul Saif Khan s/o Gul Mir Khan, maternal uncle of the plaintiff No. 01 took the stand as PW-03 who supported the stance of the plaintiffs by repeating the contents of the plaint.

Mr. Arshad s/o Siad Muhammad, cousin of the plaintiff No. 01 took the stand as PW-04 and stated that his sister has entered into marriage with the plaintiff No. 01 and parents' names mentioned in the record of plaintiff No. 01 are his grandfather and grandmother; if correction is not made, it will be illegal with Islamic point of view and will impact the relationship of plaintiff No. 01 with his wife. At the end, requested for rectification.

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Mr. Sharab Gul s/o Noor Shah, is the recorded brother but actually paternal uncle of the plaintiff No. 01. He took the stand as PW-05 and supported the stance of the plaintiff.

Defense's only witness concedes that parent names i.e Mr. Noor Shah and Mst. Masta Jana, were supplied by the plaintiff No. 01 himself during registration of CNIC in 2014 and requested for dismissal of the suit.

In respect of the age-gap between the two plaintiffs, biologically, it is impossible for a human to have given birth to another human within 14 years of his/her own birth. Defendants' record shows an age difference of 14 years between the plaintiff No. 01 and plaintiff No. 02.

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 parentage of plaintiff No. 01 and birth date of the plaintiff No. 02 has 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. *The correct names of the parents of the plaintiff No. 01 are declared as Mina Gul (father) and Noor Mar Gula (mother). The correct date of birth of plaintiff No. 02 is 01.01.1978.* Defendants are advised to bring their records in line with this judgment. Costs shall follow the event.

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

ANNOUNCED

14.07.2025



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

CERTIFICATE

It is certified that this judgment consists of 07 (seven) pages.

Each page has been dictated, read, corrected and signed by me.



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