

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

Suit No.....34/1 of 2025

Date of Original Institution.....20.05.2025

Date of Decision.....12.07.2025

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Mst. Bibi Shumaila Anwari D/O Syed Khalil Hussain, R/O
Qoum Saidan, Tappa Kalaya Saidan, Tehsil Lower, District
Orakzai.

.....(*Plaintiff*)

Versus

1. Registrar General NADRA, Islamabad
2. Deputy Registrar General NADRA, Peshawar.
3. Assistant Registrar General NADRA, Hangu through
System Engineer NADRA Office, Orakzai.
4. Chairman BISE, Kohat.

..... (*Defendants*)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

JUDGMENT

12.07.2025

This judgment decides instant case filed by Mst. Bibi Shumaila Anwari for correction of her name and date of birth as maintained by the defendants.

Pleadings:

Facts as recounted in the plaint reads that correct name

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and date of birth of the plaintiff is Mst. Bibi Shumaila Anwari

and 01.09.1992, respectively, while the defendants have erroneously recorded the same as Mst. Bibi Shamila Anwari and 01.09.1985 respectively; hence, the suit.

In rebuttal, the representative for defendants No. 01 to 03 and legal advisor for the defendant No. 04 have raised the regular objections to the legal validity of the claim, the standing of the plaintiff, and factual version of the matter. They assert that all the particulars were supplied by the plaintiff herself and are recorded correctly in the year 2005 and 2017 during registration and renewal of CNIC.

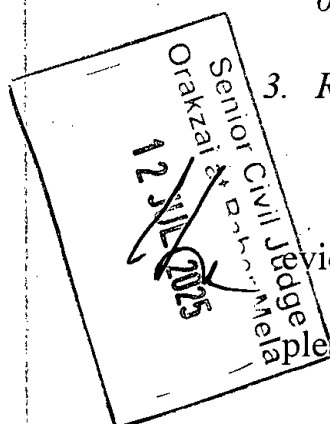
The controversy as related in the pleadings was distilled into the following issues:

Issues:

1. *Whether suit is valid in its legal frame, and the court is competent to hear it?*
2. *Whether correct name and date of birth of the plaintiff is Mst. Bibi Shumaila Anwari and 01.09.1992 while the same have been erroneously recorded as Mst. Bibi Shamila Anwari and 01.1992 by the 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. Bibi Shumaila Anwari, the plaintiff herself took the stand as PW-01, Mst. Sahila Jan w/o Syed Khalil Hussain, mother of the plaintiff as PW-02, Mr. Muhammad Shakeel s/o Syed Khalil Hussain, brother of the plaintiff as PW-03, Mr. Iftikhar Ahmad, representative of defendants No. 01 to 03 as DW-01 and Mr. Shaheen Muhammad advocate, legal advisor of defendant No. 04 as DW-02. They have exhibited the following documents;

- i. Copy of Primary School Certificate as Ex.PW-1/1.
- ii. Copy of Secondary School Certificate as Ex.PW-1/2.
- iii. Copy of CNIC of the plaintiff as Ex.PW-1/3.
- iv. Copy of CNIC of PW-02 as Ex.PW-2/1.
- v. Copy of Passport of PW-02 as Ex.PW-3/1.
- vi. Family Trees of the plaintiff as Ex.DW-1/1 and Ex.DW-1/2.
- vii. NADRA Registration Form as Ex.DW-1/3.

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. Plaintiff has sought correction of her name and date of birth, which clearly is a

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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.

Issue No 02:

This issue houses the heart of the suit: correct of name and date of birth of the plaintiff. It is claimed that correct name and date of birth of the plaintiff is Mst. Bibi Shumaila Anwari and 01.09.1992 while the defendants have erroneously recorded the same as Mst. Bibi Shamila Anwari and 01.09.1985 respectively

Mst. Bibi Shumaila Anwari, the plaintiff herself took the stand as PW-01 and narrated the same story as in the plaint and exhibited all the relevant documents.

Mst. Sahila Bibi, mother of the plaintiff took the stand as DW-02 who supported the stance of the plaintiff.

Mr. Muhammad Shakeel, brother of the plaintiff took the stand as PW-03 who also supported the stance of the plaintiff by repeating the contents of the plaint.

Defense's witness for defendants No. 01 to 03 namely Mr. Iftikhar Ahmad took the stand as DW-01 and narrated the

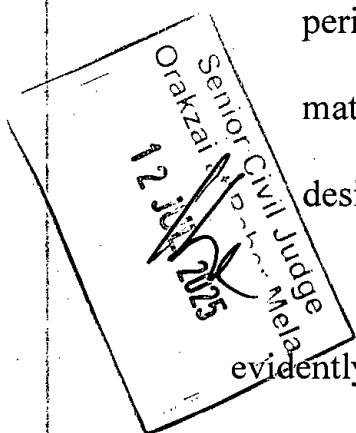
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same story as in his written statement and refused the stance of the plaintiff.

As far as the discrepancy in the name of the plaintiff goes, it is common in the region owing to the variety of dialects spoken in the districts. It often happens that locals mispronounce a common name, and thus, a difference occurs in the written and spoken name. Besides, Shamila seems a distorted form of Shumaila, which, presumably, got wrong due to miscommunication between the plaintiff and NADRA officials. The claim in respect of correction of name is accepted.

The next claim is about correct date of birth. Plaintiff claims that her entire school record that culminated into her matric certificate is erroneous. She has challenged it on the basis of document purportedly her primary school certificate. The document raised suspicion by the very condition of the paper it was printed on. A 24 years old document was as crisp and new as one created yesterday. Besides, it had wrongly recorded the period of stay of the plaintiff. From the examination of the material and its legal content, it impressed that it was custom designed for the suit.

The court is hesitant to rely on a document that is evidently dubious in claim to overturn records of plaintiff maintained



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by multiple public bodies over the period of decades. The claim in respect of date of birth rejected.


RELIEF:

Crux of my issue wise discussion is that suit of the plaintiff is hereby partially decreed in her favor against the defendants to the extent of her name as prayed for and dismissed to the extent of date of birth. The correct name of the plaintiff is declared as *Mst. Bibi Shumaila Anwari*. Defendants shall bring their record 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


12.07.2025


(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)