

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

Suit No.....68/1 of 2025

Date of Original Institution.....20.09.2025

Date of Decision.....31.10.2025

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1. Muhammad Shakeel s/o Sharbat Khan

2. Bibi Haleema d/o Sharbat Khan

Both R/O Qoum Mamozai, Tappa Sepoy, Jani Khel,
District Orakzai.

.....(Plaintiffs)

Versus

1. Assistant Director Nadra, Orakzai.

Through representative.

..... (Defendant)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

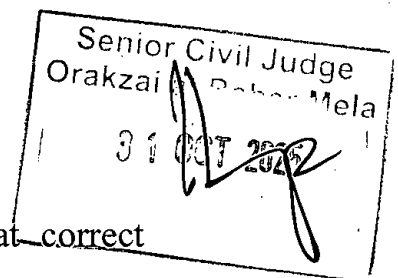
JUDGMENT

31.10.2025

This judgment decides instant case filed by Muhammad Shakeel and Bibi Halima for correction of their names and date of birth of plaintiff No.1 record as maintained by the defendant.

Pleadings:

Facts as recounted in the plaint reads that correct names of the plaintiffs namely Muhammad Shakeel and Bibi Halima respectively and correct birth dates of the plaintiffs are 04.04.2005 and 01.04.2004 respectively, while the defendant has



erroneously recorded the names as Shakeel Ahmad and Zalima respectively, and dates of the plaintiff No.1 as 04.05.2008, and of plaintiff no 02 as 01-04-2004, hence, the suit.

In rebuttal, the defendant has raised the regular objections to the legal validity of the claim, the standing of the plaintiff, and factual version of the matter. He asserts according to family tree, names and date of the plaintiff No. 1 have been correctly recorded and requested for dismissal of the suit.

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 names of the plaintiffs are Muhammad Shakeel and Bibi Halima and their correct dates of birth are 04.04.2005 and 01.04.2004 respectively?*
3. *Relief.*

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

Witnesses/Exhibits:

Mr. Muhammad Shakeel s/o Sharbat Khan, the plaintiff himself took the stand as PW-01, Mr. Sharbat Khan s/o Adam Khan, father of the plaintiff as PW-02, Mr. Muhammad Ghafoor s/o Fazal Khan, as PW-03, Mr. Iftikhar Ahmad,

Senior Civil Judge
Orakzai District Mela
31 OCT 2025

representative of defendant as DW-01. They have exhibited the following documents;

- i. Form "Bay" as Ex.PW-1/1.
- ii. Copy of School leaving Certificate as Ex.PW-1/2.
- iii. Copy of birth certificate as Ex. PW- 1/3.
- iv. Domicile certificate as Ex.PW- 1/4.
- v. Copy of CNIC of PW-2 as Ex.PW-2/1.
- vi. Copy of CNIC of PW-3 as Ex.PW-3/1.
- vii. Family tree of the plaintiffs as Ex.DW-1/1.
- viii. Form Bay registration form as Ex.DW-1/2.
- ix. Birth certificate of the plaintiffs as Ex. DW- 1/3 and Ex.DW-1/4.

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 names of the plaintiffs and date of birth of the plaintiff No.01, 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.

Senior Civil Judge
Orakzai District
31 OCT 2025

Issue No 02:

This issue houses the heart of the suit: Correct names of the plaintiffs, and date of birth of the plaintiff No.1.

Mr. Muhammad Shakeel, the plaintiff himself took the stand as PW-01 he stated that according to school record and birth certificate his correct name is Muhammad Shakeel and correct date of birth is 04.04.2005. He further stated that the correct name of plaintiff No.2 is Haleema Bibi and her correct date of birth is 01.04.2004 and exhibited all the relevant documents.

Mr. Sharbat Khan, father of the plaintiff took the stand as PW-02 who supported the stance of the plaintiff.

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

Defense's only witness concedes that according to family tree, Registration Form, and Birth certificates correct names of the plaintiff are Shakeel Ahmad and Zalima respectively, and correct dates of birth are 01.04.2006 and 04.05.2008 respectively. He admitted in his cross-examination that according to school certificate, union council birth certificate and domicile correct name of the plaintiff No. 1 is Muhammad Shakeel and date of birth is 04.04.2005.

Senior Civil Judge
Orakzai at Peshawar
31 OCT 2025

Plaintiff is a student and candidate of Kohat Board enrolled as regular candidate. His detailed marks sheet available

on Ex-PW 1/2 issued on 17/09/25 records his age as 04/04/2005 and his name as Muhammad Shakeel. Similarly, the same name is recorded in his domicile certificate placed on file as PW- 1/4. About name, such mistakes are common where part of the name is recorded wrongly. Ahmed and Muhammad are usually confused. Older record on file shows that plaintiff no 01's name is Muhammad Shakeel not Shakeel Ahmed.

About date of births, plaintiff no 01 school record holds him as born on 04-04-2005. Being a regular candidate, it is safe to presume that he had the same name all the way up to his primaries.

About the name of plaintiff no 02, Zalima is a bad word, signifies an oppressor, a cruel person. Giving good name to a child is a religious duty of a parent, per Islamic tradition. Plaintiff claim she was name Halima but due to oversight she is recorded as Zalima. Halima was the name of the foster mother of the noble prophet PBUH, and is thus held in high esteem among the Muslims. Besides, there is a difference of only one alphabet in the two names, which lends credence the plea of oversight.

As far as date of birth of plaintiff no 02 is concerned, the court could not find any material of neutral origin as opposed to the one maintained by the defendant to rely upon. Oral testimony cannot be allowed to overturn written record maintained by a neutral public body at the instance of the party itself.

Oral Senior Civil Judge
Orakzai at Peshawar
31 OCT 2025

(40)


Plaintiffs no 1 name is declared as Muhammad Shakeel, of plaintiffs no 02 as Bibi Halima; date of birth of plaintiff no 1 is declared as 04-04-2005, while that of plaintiff no 02 remains untouched. Issue decided accordingly.

RELIEF:

Crux of my issue wise discussion is that suit of the plaintiffs is hereby decreed in his favor against the defendant as prayed for. *The correct names of the plaintiffs are declared as Muhammad Shakeel and Bibi Halima and correct date of birth of the plaintiff No. 1 is 04.04.2005 while that date of birth of plaintiff no 02 remains untouched.* Defendant shall bring his records in line with this judgment. Costs shall follow the event.

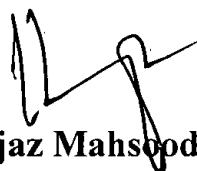
File be consigned to record room after its necessary completion and compilation.

ANNOUNCED
31.10.2025


(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)