

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

Suit No.....66/1 of 2025
Date of Institution.....18.09.2025
Date of Decision.....31.10.2025
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1. Mahbub Khan s/o Shar Bat Khan
2. Bibi Shahida w/o Yousafzai
Both R/O Qoam Rabia Khel, Khee Kada, Tehsil Ismail Zai,
District Orakzai.
.....(Plaintiffs)

Versus

1. Registrar General NADRA, Islamabad.
2. Deputy Registrar General, Peshawar.
3. Assistant Director NADRA,
through System Engineer Orakzai.
..... (Defendants)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION

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JUDGMENT
31.10.2025

This judgment decides instant case filed by Mahbub Khan and Bibi Shahida for correction of their dates of birth in their record as maintained by the defendants.

Pleadings:

The claim as related in the plaint reads that correct

birth dates of the plaintiffs namely Mahbub Khan and Bibi Shahida are 01.03.1991 and 01.07.1992 respectively, while the

Senior Civil Judge
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18 OCT 2025

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same have been erroneously recorded as 01.03.1983 and 01.07.1991 respectively by defendants; 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, dates of birth of the plaintiffs are 01.03.1983 and 01.07.1991 respectively.

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

Issues:

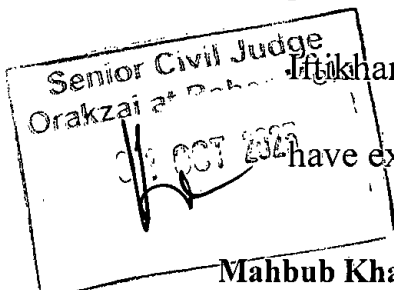
- 1. Whether suit is valid in its legal frame, and the court is competent to hear it?*
- 2. Whether correct dates of birth of the plaintiffs Mahbub Khan and Bibi Shahida are 01.03.1991 and 01.07.1992 respectively while the same have been erroneously recorded as 01.03.1983 and 01.07.1991 respectively by defendants?*
- 3. Relief.*

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

Witnesses/Exhibits:

Mr. Mahbub Khan s/o Shar Bat Khan, plaintiff No.1 himself appeared as PW-01, Shar Bat Khan father of the plaintiffs appeared as PW-02, Muhammad Noor Khan and

Imkhar Ahmad, representative for defendants as DW-01. They have exhibited the following documents;



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- i. Copy of CNIC of PW-01 (plaintiff) as Ex.PW-1/1.
- ii. Copy of CNIC of plaintiff No. 02 as Ex.PW-1/2.
- iii. Special power of attorney as Ex.PW-1/3.
- iv. Matric and FA certificate of plaintiff No. 01 as Ex.PW-1/4 and Ex.PW-1/5.
- v. Certificate of Madrasa consists of two pages as Ex.PW-1/6.
- vi. Copy of CNIC of PW-02 as Ex.PW-2/1.
- vii. Copy of CNIC of PW-03 as Ex.PW-3/1.
- viii. Family Trees as Ex.DW-1/1 to Ex.DW-1/2.

Reasons/Reasoning:

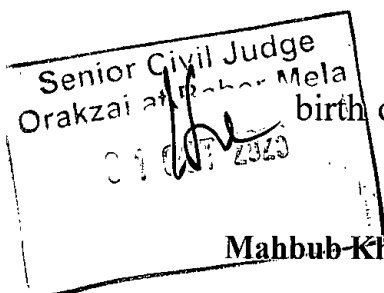
Issue wise reasoning of the court followed by a ruling on each issue, and finally on the suit is as follows:

Issue No 01:

This issue questions the legal validity of the frame of the suit, and the competence of the forum to hear it. Plaintiffs have sought correction of their dates 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:

This issue houses the heart of the suit: correct dates of birth of the plaintiffs. It is claimed that correct birth dates of the



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plaintiffs namely Mahbub Khan and Bibi Shahida are 01.03.1991 and 01.07.1992 respectively, while the same have been erroneously recorded as 01.03.1983 and 01.07.1991 respectively by defendants.

Mr. Mahbub Khan, the plaintiff No.1 himself, took the stand as PW-01. He supported his stance that his correct date of birth is 01.03.1991 and correct date of birth of the plaintiff No.2 is 01.07.1992 and requested for decree of the suit.

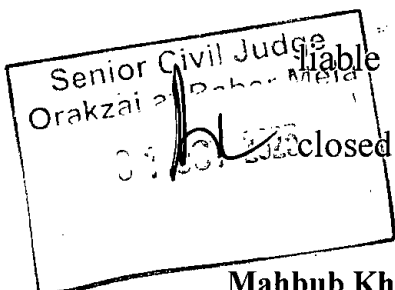
Mr. Shar Bat Khan, father of the plaintiffs, took the stand as PW-02. He supported the stance of the plaintiffs by admitting the fact that the plaintiffs are his real Childs and correct date of birth of the plaintiffs are 01.03.1991 and 01.07.1992 respectively and requested for decree of the suit.

Mr. Muhammad Noor Khan, brother of the plaintiffs, took the stand as PW-3. That plaintiffs are their brother and sister. He narrated the same story as in the plaint and requested for decree of the suit.

Mr. Iftikhar Ahmad (Representative of NADRA, Orakzai) appeared as DW-01. He produced family tree of plaintiffs as Ex.DW-1/1 and Ex.DW-1/2 He stated that plaintiffs have been issued CNIC as per information provided by plaintiffs that they have got no cause of action and that suit of plaintiffs is

liable to be dismissed. Thereafter, evidence of defendants was

closed.



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Plaintiff pleads that his CNIC, applied for and acquired in 2015, is erroneous, while his academic record as a private candidate, applied for and acquired in 2021-22 is accurate, and might be preferred to his CNIC.

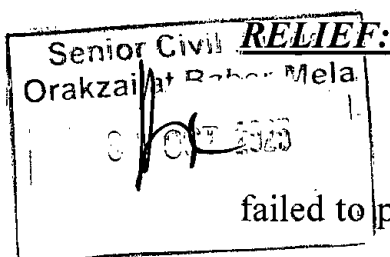
Plaintiff is seeking to alter his age by 08 years. The fact that he was issued a CNIC in 2015 runs counter to the plea of the plaintiff. Plaintiff could not have appeared at the age of 10 years for a CNIC. He is shown sporting a proper beard in the CNIC pic.

Moreover, it is commonplace that private candidates apply by submitting affidavits about their particulars, rather than by furnishing record maintained since elementary education. Thus, a private candidate can have himself enrolled with a birth date of his choosing.

Even to the unaided eye, plaintiff is clearly in his later 30's or mid 40's.

About the second plaintiff, the plea is in anticipation of a favorable decree for plaintiff no 01 as that would have brought an unnatural gap between the two siblings. Since the plea in favor of the first is not accepted, the second is rendered moot.

The issue is decided against the plaintiffs.



Crux of my issue wise discussion is that as plaintiff failed to prove his claim through cogent, convincing and reliable


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documentary and oral evidence, therefore, suit of the plaintiffs are hereby **dismissed**. 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)