

*In the name of almighty Allah who has got unlimited jurisdiction over and beyond the universe.*

BEFORE THE COURT OF  
ADDITIONAL DISTRICT JUDGE, ORAKZAI AT BABER MELA

**Civil Appeal No. CA-13/13 of 2023**

**Date of institution: 22.03.2023**

**Date of decision: 30.03.2023**

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

..... (**Appellants/defendants**)

...Versus...

Sania Bagum wife of Sakib Ali resident of Qaum Bar Muhammad Khel, Tappa Khwaidad Khel, Tehsil lower, District Orakzai

..... (**Respondent/Plaintiff**)

**Appeal against Judgement, Decree and Order dated 20-02-2023, passed in Civil Suit No. 1/1 of 2023**

**JUDGMENT**

Instant Civil Appeal has been preferred by the appellants/defendants against the Judgment, Decree & Order dated 20.02.2023, passed by learned Civil Judge-I, Orakzai in Civil Suit bearing No.1/1 of 2023; whereby, the suit was decreed.

2. Briefly stated facts of the case are such that the plaintiff Sania Begum has filed suit against the defendants for declaration with consequential relief of mandatory injunction to the effect that her correct date of birth is 09-02-2008 which has wrongly been mentioned by NADRA (defendants) in their record as 04-08-2004.

3. Defendants (NADRA) on appearance objected the suit on different grounds of law and facts. It was specifically pleaded that they are maintaining record provided by the applicant and no deletion or addition has been made therein.

  
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4. Learned, the Trial Court has conducted discovery management; wherein, both the parties consented to summary disposal on the basis of Code of Civil Procedure, 1908 Management Rules. On conclusion, the suit was decreed in Summary Judgement on the basis of available record by the then learned Trial Judge vide Judgement and Decree dated 20-01-2023. Feeling aggrieved, the appellants/defendants have presented instant civil appeal, which is under consideration.

5. Mr. Irfan Legal Assistant NADRA for appellants is of the stance that the plaintiff, if considered her date of birth as decreed one, will render her underage for contracting social tie of marriage. He added that it is the standard operating procedure of NADRA that registration of marriage below 16 years of female is not being entertained except on provision of computerized marriage certificate from Union Council. This aspect of the case has been ignored while working out judgement by learned the Trial Court and that is why appeal has been preferred.

6. Learned counsel representing the respondent argued that plaintiff has applied for correction of date of birth in her CNIC which has been granted on presentation of original admission and withdrawal register of the school. The Principal of Girls Higher Secondary School Kurez, District Orakzai verified it in written that plaintiff is having 09-02-2008 as actual date of birth. It was concluded that The Trial Court has granted decree while keeping in view the evidence of parties and thus appeal is groundless.

7. The grant of decree to the plaintiff being illegal on the score of deficient evidence is point of determination in instant appeal.

8. The Trial Court has given preference to the admission/withdrawal register as well as certificate of GHSS Kurez. The law of evidence prefers the

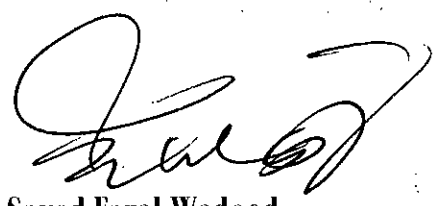
  
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admission/withdrawal register in comparison to any other document later in time and thus having more evidentiary value, it was rightly considered.

9. For what has been discussed above, it can safely be concluded that the learned Trial Court has properly appreciated the evidence and rightly passed the impugned Judgement and Decree dated 20.02.2023. Consequently, as the Judgement under appeal does not warrant interference; therefore, the appeal in hand stands dismissed. Costs shall follow the events. Requisitioned record be returned back with copy of this Judgement; whereas, file of this Court be consigned to District Record Room, Orakzai as prescribed within span allowed for.

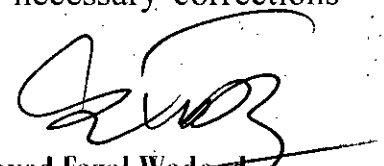
Announced in the open Court  
30.03.2023



Sayed Fazal Wadood,  
ADJ, Orakzai at Baber Mela

**CERTIFICATE.**

Certified that this Judgment is consisting upon three (03) pages; each of which has been signed by the undersigned after making necessary corrections therein and read over.



Sayed Fazal Wadood  
ADJ, Orakzai at Baber Mela