

29

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

Suit No.....109/1 of 2024

Date of Institution..... 05.11.2024

Date of Decision.....22.01.2025

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1. Mst. Khyal Zara ^{W/O} Sameen Khan, R/O Qoum Ali Khel,
Tappa Merwas Khel, Tehsil Upper, District Orakzai
.....(Plaintiff)

Versus

1. Chairman NADRA, Islamabad
2. Director General NADRA Hayatabad, Peshawar
3. Assistant Director NADRA, Orakzai
..... (Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

JUDGMENT

22.01.2025

This judgment decides instant case filed by Mst. Khyal Zara for correction of her date of birth in her record as maintained by the defendants.

Pleadings:

Facts as recounted in the plaint reads that correct date of birth of the plaintiff is 1975 while the defendants have erroneously recorded the same as 1985, which leaves unnatural age gap between plaintiff and her children; hence, the suit.

Senior Civil Judge
Orakzai at Baber Mela
22 JAN 2025

30

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 asserts that there is unnatural gap between the plaintiff and her children but the same can be corrected through birth certificate issued by village Union Council. He requests 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 date of birth of the plaintiff is 1975 while the defendants have erroneously recorded the same as 1985?*
- 3. Relief.*

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

Witnesses/Exhibits:

Khyal Zara, the plaintiff herself appeared as PW-01, Sameen Khan s/o Saleem Khan appeared as PW-02, Abdur Rehman s/o Sameen Khan appeared as PW-03 and Iftikhar

Senior Civil Judge
Orakzai at Raber Melar

22 JAN 2025

31

Ahmad, representative for the defendants appeared as DW-01 and exhibited the following documents;

- i. Copy of CNIC of PW-01 as Ex.PW-1/1.
- ii. Copy of CNIC of Amjad Khan as Ex.PW-1/2.
- iii. Copy of CNIC of Mst. Shahida Bibi as Ex.PW-1/3.
- iv. Copy of CNIC of Mst. Bibi Zahra as Ex.PW-1/4.
- v. Copy of CNIC of PW-02 as Ex.PW-2/1.
- vi. Copy of CNIC of PW-03 as Ex.PW-3/1.
- vii. Family Trees of the plaintiff as Ex.DW-1/1 and Ex.DW-1/2.

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 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 plaintiff.

Senior Civil Judge
Orakzai at Raber Mela
27 JAN 2023

32

Issue No 02:

This issue houses the heart of the suit: correct date of birth of the plaintiff. It is claimed that her correct date of birth is 1975, while defendant has wrongly recorded the same as 1985 in her record.

Defense's only witness concedes that there is an unnatural age gap between the plaintiff and her 03 children namely Amjad Khan, Mst. Shahid Bibi and Mst. Bibi Zahra. The children listed above are born on 01-01-96, 01-01-95, and 01-01-92, respectively. If plaintiff's date as recorded by defendants is accepted as correct, she would have given birth to Mst. Zahra at the age of 07, which is a biological impossibility.

It has been established that date of birth of the plaintiff has been wrongly entered by the the defendants. It is also established that there is unnatural age gap between the plaintiff and her children mentioned earlier.

In view of the discussion above, the issue is decided for the plaintiff.

RELIEF:

Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in her favor against the defendants as prayed for. Date of birth of the plaintiff is declared as 1975. Defendants are advised to bring their records in line with this

Senior Civil Judge
Orakzai at F/ber Mela
22 JAN 2025


33

judgment. No order as to cost. 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

22.01.2025


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

CERTIFICATE

It is certified that this judgment consists of 05 pages. Each page has been dictated, read, corrected and signed by me.


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