

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

Suit No.....02/1 of 2025

Date of Institution..... 04.01.2025

Date of Decision.....08.02.2025

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**Mst. Sial Meena W/O Khial Akbar, R/O Star Kalay,  
Section Mula Khel, Sub-Section Qutab Khel, Tehsil Upper,  
District Orakzai.**

.....(*Plaintiff*)

**Versus**

1. Director General NADRA, Islamabad.
2. Assistant Director NADRA, Peshawar.
3. System Engineer NADRA, Orakzai.

..... (*Defendants*)

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**SUIT FOR DECLARATION & PERMANENT INJUNCTION**  
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**JUDGMENT**

08.02.2025

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

**Pleadings:**

The claim as related in the plaint reads that correct date of birth of the plaintiff is 01.01.1965 while it has been erroneously recorded as 1977 by defendants. That correct date of

  
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birth of her son namely Muhammad Shoaib is 01.06.1982, which leaves unnatural age gap between plaintiff and her son; 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, there is unnatural age gap between plaintiff and her son.

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 01.01.1965 while it has been erroneously recorded as 1977 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:**

The plaintiff herself appeared as PW-01, Khan Akbar s/o Said Asghar appeared as PW-02, Sial Akbar s/o Said Askar appeared as PW-03 and Iftikhar Ahmad, representative of

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defendants appeared as DW-01. They have exhibited the following documents;

- i. Copy of CNIC of PW-01, the plaintiff as Ex.PW-1/1.
- ii. Copy of marriage certificate (نکاح نامہ) as Ex.PW-1/2.
- iii. Copy of NADRA Registration Form of Mohammad Shoaib, son of the plaintiff as Ex.PW-1/3.
- iv. Copy of CNIC of Muhammad Shoaib 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 Tree of the plaintiff as Ex.DW-1/1.

**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. 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.

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**Issue No 02:**

This issue houses the heart of the suit: correct date of birth of the plaintiff. It is claimed that correct date of birth of the plaintiff is 01.01.1965 while it has been erroneously recorded as 1977 by defendants. Records show unnatural gap of age between the plaintiff, a mother, and her son.

Defense's only witness concedes that according to family tree, there is unnatural age gap between plaintiff and her son namely Mohammad Shoaib.

Biologically it is impossible for a human to have given birth to another human within 05 years of his/her own birth. Defendants record show an age difference of 05 years between the plaintiff and her son namely Muhammad Shoaib.

In these circumstances, it is rational and prudent to accept the claim of the plaintiff as true. It has been established from the available record that birth date of the plaintiff has been wrongly recorded by the defendants and they have nothing solid documentary evidence regarding dismissal of the suit.

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

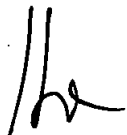
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[Signature]

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prayed for. Date of birth of the plaintiff is declared as 01.01.1965. Defendants are advised to bring their record in line with this judgment. No order as to cost. This decree shall not affect the rights of other persons interested, if any.

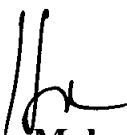
File be consigned to record room after its necessary completion and compilation.

**ANNOUNCED**  
08.02.2025

  
(Ijaz Mahsood)  
Senior Civil Judge,  
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**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)