

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

Suit No.....111/1 of 2024

Date of Institution..... 07.11.2024

Date of Decision.....10.02.2025

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- 1. **Gul Man Shah s/o Khiyal Badshah**
- 2. **Sucha Gula w/o Gul Man Shah**

Both R/O Qoum Ali Khel, Tappa Jasrat Khel, Orhi Bar,  
Tehsil Upper, District Orakzai

.....(Plaintiffs)

**Versus**

- 1. Registrar General NADRA, Islamabad.
- 2. Deputy Registrar General, Peshawar.
- 3. Assistant Director NADRA,  
*through System Engineer Orakzai.*

..... (Defendants)

**SUIT FOR DECLARATION & PERMANENT INJUNCTION**

**JUDGMENT**

10.02.2025

This judgment decides instant case filed by Gul Man Shah and Sucha Gula for correction of their date 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 Gul Man Shah and Sucha

Senior Civil Judge  
Orakzai at Baber Mela  
10 FEB 2025

Gula are 01.01.1957 and 01.01.1958 respectively, while the same have been erroneously recorded as 01.01.1964 and 01.01.1968 respectively by defendants. That correct date of birth of their son namely Abdul Manan Shah is 1976, which leaves unnatural age gap between plaintiffs and their 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 plaintiffs and their 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 dates of birth of the plaintiffs Gul Man Shah and Sucha Gula are 01.01.1957 and 01.01.1958 respectively while the same have been erroneously recorded as 01.01.1964 and 01.01.1968 respectively by defendants?*
- 3. Relief.*

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

Senior Civil Judge  
Orakzai  
10 FEB 2024

27

28

**Witnesses/Exhibits:**

Ali Askar s/o Jan Askar, special attorney for the plaintiffs appeared as PW-01 and Iftikhar Ahmad, representative for defendants as PW-02. They have exhibited the following documents;

- i. Special Power of attorney as Ex.PW-1/1.
- ii. Copy of CNIC of PW-01 as Ex.PW-1/2.
- iii. Copy of CNIC of plaintiff No. 01 as Ex.PW-1/3.
- iv. Copy of CNIC of plaintiff No. 02 as Ex.PW-1/4.
- v. Copy of CNIC of Abdul Manan Shah as Ex.PW-1/5.
- vi. Copy of CNIC of Maveez Bibi as Ex.PW-1/6.
- vii. Copy of CNIC of Waheed Ullah as Ex.PW-1/7.
- viii. Family Trees as Ex.DW-1/1 to Ex.DW-1/4.

**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

Senior Civil Judge  
Orakzai  
Raber Mander  
10 FEB 2023  
Gul Man Shah Vs NADRA

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 date of birth of the plaintiffs. It is claimed that correct birth dates of the plaintiffs namely Gul Man Shah and Sucha Gula are 01.01.1957 and 01.01.1958 respectively, while the same have been erroneously recorded as 01.01.1964 and 01.01.1968 respectively by defendants. That correct date of birth of their son namely Abdul Manan Shah is 1976. Record shows unnatural age gap between plaintiffs and their son.

Defense's only witness concedes that according to family tree, there is unnatural age gap between the plaintiffs and their son namely Abdul Manan Shah.

Biologically it is impossible for a human to have given birth to another human within 08/12 years of his/her own birth. Defendants record show an age difference of 12 years and 08 years between the plaintiffs and their son namely Abdul Manan Shah.

In these circumstances, it is rational and prudent to accept the claim of the plaintiffs as true. It has been established from the available record that birth dates of the plaintiffs have

Senior Civil Judge  
Orakzai  
17/01/2024  
[Signature]

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 plaintiffs.

**RELIEF:**

Crux of my issue wise discussion is that suit of the plaintiffs is hereby decreed in their favor against the defendants as prayed for. *Date of birth of the plaintiff No. 01 namely Gul Man Shah is declared as 01.01.1957 and that of plaintiff No. 02 namely Sucha Gula is declared as 01.01.1958.* Defendants are advised to bring their record in line with this judgment. Costs shall follow the event. This decree shall not affect the rights of other persons interested, if any.

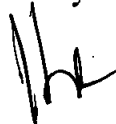
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**ANNOUNCED**  
10.02.2025

  
(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)