JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT,
ISLAMABAD

R.F.A. NO. 116 OF 2020

SAMAR ABBAS

VS

NATIONAL DATABASE AND REGISRATION AUTHORITY (NADRA)

Appellant by : Malik Naseem Abbas Nasir Kalwar, Advocate.

Respondent by : Ms. Alia Zainab Kiani, Advocate for NADRA.

Date of hearing : 11.2.2025

MUHAMMAD AZAM KHAN, J.

1. The Appellant has filed the instant Appeal under Section 96 of the Code of Civil Procedure, 1908 **("CPC")** against the Judgment and Decree dated 15.2.2020 **("Impugned Judgment and Decree")** passed by learned Senior Civil Judge-1 (West), Islamabad **("Trial Court")** whereby the Suit for Declaration **("Suit")** filed by the Appellant has been dismissed.

2. The brief facts of the case in hand are that the Appellant claims that his original date of birth is 12.8.1994 and the same is mentioned in the Birth Registration Certificate issued by Government of Punjab. The Appellant applied for issuance of National Identity Card before the Respondent/NADRA and the same was issued on 6.6.2019, however, the date of birth of the Appellant was wrongly mentioned as 1.1.1989. The Appellant went to the office of the Respondent/NADRA for correction of his date of birth but of no avail.

3. Thereafter, the Appellant filed the Suit before the learned Trial Court for correction of his date of birth. After filing of the suit, summons were issued in the name of the Respondent/NADRA who appeared before the Court, filed written statement and prayed for dismissal of the Suit. Vide Order dated 7.10.2019, issues were framed by the learned Trial Court. In order to prove the claim, the Appellant appeared before the learned trial court as PW-1 and produced on record the documents as Ex.P1 and Mark-A. Muhammad Yasin,

representative of NADRA appeared as DW-1, got his statement recorded and closed the evidence. Thereafter, learned Trial court after hearing arguments from both the sides dismissed the Appellant's Suit vide the Impugned Judgment and Decree. Being aggrieved of the Impugned Judgment and Decree passed by the learned Trial Court, the Appellant has preferred the instant Appeal.

4. The learned counsel for the Appellant argued that the Impugned Judgment and Decree is illegal, unlawful and against the facts and record of the case, hence, same is liable to be set-aside; that Impugned Judgment and Decree is the result of mis-reading and non-reading of evidence of the case; that the learned Trial Court dismissed the Appellant's Suit on the ground that the Appellant did not prove his case with cogent evidence but in this regard following facts must be took into consideration that actual date of birth of the Appellant is 1.1.1989 and in the record of the Respondent/NADRA, same was written mistakenly; that the Impugned Judgment and Decree is based on conjectures and surmises and same is liable to be set-aside; that the learned Trial Court did not follow the dictums of the apex Court in its letter and spirit while passing the Impugned Judgment and Decree; and that the instant Appeal may kindly be accepted and the Impugned Judgment and Decree may be set-aside.

5. The learned Counsel appearing on behalf of the Respondent/NADRA argued that the Impugned Judgment and Decree is passed correctly keeping in view the facts and record of and the same is well reasoned; and that there is no illegality or irregularity in the Impugned Judgment and Decree. The learned counsel prayed for dismissal of the instant Appeal.

6. The learned counsel for the parties have been heard and record perused with their able assistance.

7. The Appellant while appearing before the learned Trial Court as PW-1 relied upon Birth Certificate issued by the Government of Punjab, Pakistan (Ex.P1). Perusal of the said document reveals that the same is containing date of birth of the Appellant as 12.8.1994 but the entry of this document was recorded after almost lapse of 10 years i.e. on 27.9.2004 and on 21.8.2019, this document was issued. Muhammad Yasin representative of Respondent/NADRA appeared

as DW-1 who stated that the Appellant/Plaintiff got issued Computerized National Identity Card **("CNIC")** in the year 2010 for the first time and he entered his date of birth as 1.1.1989, and Data Form was duly signed by him admitting it to be correct and after that the Respondent/NADRA issued him first Computerized National Identity Card.

8. In the year 2010, the Appellant would have been approximately 16 years of age, assuming his date of birth is 12.8.1994. This is inconsistent with the requirement for issuance of CNIC, which is only issued when an individual attains the age of 18 years, not before. This discrepancy suggests that the Appellant intentionally entered 1.1.1989 as his date of birth on the Data Form in order to qualify for the issuance of CNIC and now the Appellant seeks to amend the date of birth provided in the CNIC.

9. The Appellant has failed to substantiate with cogent and reliable evidence that his true date of birth is 12.8.1994, as opposed to 1.1.1989. Consequently, the learned Trial Court has rightly dismissed the Appellant's Suit through the Impugned Judgment and Decree, which warrants no interference.

10. In light of the foregoing, the present Appeal is hereby **dismissed**.

(MUHAMMAD AZAM KHAN)
JUDGE