

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-2167 of 2018

Date

Order with signature of Judge

For orders as to maintainability of petition.

22.05.2018

Mr. Shaukat Ali Bhambhro, Advocate for Petitioner.
Ms. Samina Iqbal, Advocate for NADRA.

The petitioner has approached this court in writ jurisdiction for directions against the respondents to correct his date of birth as 01.06.1973 instead of 01.06.1967. The petitioner has himself attached a copy of judgment dated 28.02.2017 passed by the learned Senior Civil Judge-III, Malir, Karachi in Suit No.124/2016. The suit was filed by the same petitioner for declaration and rectification of his date of birth, however, the record shows that the suit was dismissed on the basis of findings given by the learned trial court on issues Nos.2 and 3. The learned trial court has also reproduced some excerpts of the cross-examination of the petitioner in the judgment for reaching the conclusion that the plaintiff is not entitled for the relief of declaration. The learned counsel for the petitioner admits that no appeal has been filed against this judgment which has attained the finality and now he submits that due to bar of limitation the appeal cannot be filed at this stage, however, he is willing to file the appeal provided that the period of limitation is

condoned. The learned counsel for the NADRA has also no objection if the petitioner files an appeal alongwith the application for condonation of delay. After the dismissal of the suit, an appropriate remedy was to file appeal before the learned appellate court, so in this regard we are of the firm view that the petition is not maintainable. However, the petitioner may file appeal alongwith application for condonation of delay which may be considered by the learned appellate court sympathetically. The petition is dismissed.

Judge

Judge

Asif

