

ORDER SHEET

IN THE HIGH COURT OF SINDH KARACHI
C.P. No.D-7587 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGES
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For orders as to maintainability

21.02.2019

Petitioner in person.
Mr. Kafeel Ahmed Abbasi, DAG.
Choudhry Muhammad Farooq, Advocate for NADRA.

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Petitioner Mst. Kishwer Bibi has approached this court for correction of date of birth in her CNIC from 08.05.1968 to 10.02.1983. Record reflects that same petitioner filed a civil suit No.200/2012 in the court of II-Senior Civil Judge, Malir Karachi for same declaration and directions against NADRA to correct her date of birth in their record. Learned trial court framed following issues:-

1. Whether the suit of the plaintiff is maintainable?
2. Whether the correct date of birth of plaintiff is 10.12.1983 instead of 08.05.1968?
3. What should the decree be?

After recording evidence, learned trial court came to the conclusion that the plaintiff has failed to produce any documentary proof that her date of birth is 10.02.1983 instead of 08.05.1968 and in the light of evidence available on record, she was not found entitled for any relief, hence suit of the petitioner was dismissed vide judgment and decree dated 04.01.2014. Said judgment and decree were challenged by the petitioner in Civil Appeal No.41/2014, which was also dismissed by learned III-Additional District Judge, Malir Karachi on 24.12.2014. Now the petitioner has approached this court for the same relief.

The counsel for NADRA has filed a statement in which it is stated that the date of birth of elder daughter of the petitioner namely Shabnam Bibi is recorded in her CNIC as 27.04.1994. It is further mentioned in the statement that required modification is not possible because there would be only 11 years gap between the ages of mother and daughter if the required correction is accorded to by the NADRA. Even otherwise the petitioner has not challenged the orders passed by two courts below which have attained finality.

Since the two courts below have given the concurrent findings against the petitioner therefore we are of the view that this petition is not

maintainable and is dismissed. However, the petitioner claims that a token has been issued by NADRA on which the learned counsel for NADRA submits that the petitioner may appear before the operation branch of NADRA, where NADRA will take up the matter and pass appropriate order, which will be communicated to the petitioner in writing.

Let copy of this order be provided to learned counsel for NADRA for compliance.

JUDGE

JUDGE

*A.K/PS**

