

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD**

R.A No.87 of 2018

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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For hearing of main case

22.02.2019

Mr. Sher Muhammad Sahito, Advocate for applicant.

Mr. Muhammad Hamayoon Khan, Deputy Attorney General  
alongwith Mr. Zulfiqar Ali Rajput, Assistant Attorney General.

Mr. Habib-ur-Rehman, Assistant Director (Legal) NADRA.

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The applicant filed a suit for declaration to the effect that his date of birth be declared as 12.10.1995 making Federation of Pakistan, Regional Director NADRA at Hyderabad and Deputy Assistant Director NADRA, Liberty Chowk Hyderabad zone as defendants. The NADRA contested the suit and claimed that on the basis of family head CNIC the applicant had already applied for his CNIC and submitted the application for the said purpose and was issued CNIC with his date of birth as 12.10.1989. After a full-fledged trial, the trial court was pleased to dismiss the suit vide impugned judgment dated 25.04.2017. The appeal preferred by the applicant was also dismissed by the appellate court vide impugned judgment dated 23.12.2017. Being aggrieved by the same, he has filed instant Revision Application.

I have heard the parties at some length. All the parties have consented to remand the case back to the trial court for a decision afresh after considering the documentary evidence relied upon by the applicant within a period of two months. The ground in support of such consent postulated by them is that the trial court as well as appellate court have only considered the oral submissions of the applicant ignoring the documentary evidence produced

by him in his evidence for example: his Matriculation Certificate, etc. Further it has been pointed out by learned Deputy Attorney General for Pakistan that both the impugned judgments i.e. of the trial court as well as appellate court are in complete negation of ratio laid down in the judgments of the superior Court, reported in 1998 SCMR 753, 2016 YLR 323 and PLD 2012 Lahore 378.

Accordingly, both the impugned judgments as aforesaid are set aside and the case is remanded back to the trial court to consider the entire evidence including documentary afresh and decide the case in the light of principles laid down in the aforesaid judgments within a period of two months. The parties would be at liberty to produce any additional evidence which they were not able to submit during previous round of litigation on the issue. The parties shall bear their own costs.

The Revision Application stands disposed of in the above terms.

JUDGE

