

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

**C.P. No. D-5004 of 2024**

*[Mst. Jameela Begum V. Province of Sindh and others]*

Date	Order with signature of Judge(s)
------	----------------------------------

Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Zulfiqar Ali Sangi

**Date of hearing and Order: 27.04.2026**

Mr. Khawaja Naveed Ahmed, Advocate for the Petitioner.

Mr. Abdus Samad, Advocate for NADRA.

Mr. Azmat Tufail, Advocate for respondent No.2

Ms. Mehreen Ibrahim, D.A.G.

\*\*\*\*\*

**ORDER**

**Adnan-ul-Karim Memon, J.** – Petitioner Mst Jameela Begum prays that this Court to issue appropriate directions to the National Database and Registration Authority (NADRA) to ensure that the petitioner’s data is properly arranged, updated, and made available in the E-Registration software system utilized by the office of Sub-Registrar-I, Clifton Town, Karachi, to facilitate the execution and registration of the Declaration and Confirmation of the oral gift in favour of her son, Javed Pasha. She also prayed that this Court direct the Sub-Registrar-I, Clifton Town, Karachi, to accept, process, and approve the petitioner’s application for registration of the said Declaration and Confirmation of the gift, in accordance with law.

2. Learned counsel for the petitioner submits that the petitioner is an elderly widow and a senior citizen who, due to her advanced age, is unable to personally appear before this Court and has therefore lawfully appointed her attorney to pursue the present proceedings on her behalf. It is contended that the petitioner is the lawful owner of the suit property and had, out of love and affection, executed an oral gift in favour of her son, Javed Pasha, which was subsequently sought to be reduced into writing through a declaration for registration. However, when the petitioner approached the office of the Sub-Registrar for registration of the said gift, the process could not be completed due to issues relating to biometric verification, as her thumb impressions were not being recognized in the NADRA system. He argued that despite obtaining a fresh CNIC on the advice of the concerned officials, the issue persisted, resulting in refusal by the Sub-Registrar to proceed with the registration on the grounds of non-verification of biometric data. It is further submitted that the petitioner has been left with no other efficacious remedy and, given her old age and the apprehension of future complications, seeks directions from this Court to NADRA for proper integration and

verification of her data and to the Sub-Registrar for completion of the registration process.

3. On the other hand, learned AAG assisted by the counsel for the respondent No. 2 / Sub-Registrar submits that there has been no fault or illegality on the part of the respondent. It is argued that the petitioner did approach the office for registration of the gift deed; however, the process could not proceed due to failure of biometric verification, as the petitioner's thumb impression did not match the record available with NADRA. It is emphasized that biometric verification is a mandatory requirement under the prevailing system, and without successful verification, the registration process cannot be completed. Learned counsel further submits that once the NADRA record is duly updated and the petitioner's biometric is successfully verified, the registration process shall automatically proceed to its logical conclusion in accordance with the law.

4. Learned counsel for respondent No. 3/NADRA submits that, as per their record, the petitioner's CNIC status is "processed" and is neither blocked nor digitally impounded. It is clarified that the issue pertains only to biometric verification at the time of registration. It is further submitted that, considering the petitioner's status as a senior citizen, NADRA has mechanisms in place to address such situations, including updating fresh biometric data or providing facial verification as an alternative where thumb impressions cannot be properly captured. Learned counsel states that the petitioner may approach the nearest NADRA center to avail facial verification or to update her biometric record, which would resolve the issue faced at the Sub-Registrar's office. It is, therefore, prayed that the petition may be disposed of with appropriate directions to the petitioner to approach NADRA for necessary verification, in the interest of justice.

5. We have heard the learned counsel for the parties and perused the record with their assistance.

6. The controversy in the present matter is narrow and revolves around the inability of the petitioner, an elderly senior citizen, to complete biometric verification, which has consequently stalled the registration of a document relating to confirmation of an oral gift.

7. At the outset, it may be observed that the process of registration of documents, including a declaration or confirmation of a gift, is governed by the provisions of the Registration Act, 1908. Under the scheme of the said law, particularly Sections 32 and 34 thereof, the executant of a document is required to appear before the registering authority for admission of execution. In modern practice, such appearance is supplemented by biometric verification to ensure

authenticity and prevent fraud. However, it is equally settled that procedural requirements, including biometric verification, are intended to facilitate the process of identification and not to defeat substantive rights, especially where identity is otherwise ascertainable.

8. In the present case, it is an admitted position that the petitioner is a senior citizen, her CNIC is valid and processed, and her identity is not in dispute. The only impediment is the failure of her thumb impression to match the existing NADRA record.

9. The stance of respondent No. 2 reflects that the Sub-Registrar is bound by the system requirement of biometric verification, and without such verification, the process cannot proceed. At the same time, respondent No. 3/NADRA has candidly acknowledged that alternative mechanisms, including updating biometric data or resorting to facial verification, are available and are in fact being utilized in similar situations, particularly for elderly persons whose biometrics may not be properly captured.

10. In this backdrop, the position of law becomes clear that while the registering authority cannot be compelled to act in violation of prescribed procedure, the State and its instrumentalities are equally under a constitutional obligation to ensure that procedural technicalities do not result in denial of lawful rights.

11. Article 4 of the Constitution guarantees that every citizen shall be dealt with in accordance with law, while Article 23 protects the right to acquire, hold, and dispose of property. Furthermore, Article 10-A ensures fair process, which necessarily includes reasonable facilitation where a citizen, due to age or physical limitations, is unable to comply with technical requirements in the usual manner.

12. The facts of the present case demonstrate a classic instance where different limbs of the State are operating in silos: the Sub-Registrar requires biometric verification through NADRA's system, whereas NADRA acknowledges the availability of alternative verification methods, but the same has not been effectively availed to resolve the petitioner's grievance. Such a situation cannot be allowed to persist to the detriment of a citizen, particularly one who is aged and vulnerable.

13. In these circumstances, we are of the considered view that the grievance of the petitioner can be adequately redressed by directing a coordinated approach. Accordingly, the competent authority of respondent No. 3, NADRA, is directed to facilitate the petitioner by either updating her current biometric data or, in the alternative, carrying out facial verification or any other legally recognized mode of identification applicable to senior citizens, within a reasonable time. Upon such

verification and updation, the requisite data shall be made available in the system accessible to the office of the Sub-Registrar.

14. Consequently, respondent No. 2/Sub-Registrar-I, Clifton Town, Karachi shall, upon receipt of verified data and successful identification of the petitioner through NADRA's system or any legally permissible alternative mode, proceed to entertain, process, and finalize the registration of the Declaration and Confirmation of the oral gift strictly in accordance with law, without raising any objection which has already been addressed through the aforesaid process. However, the aforesaid exercise shall be undertaken within two weeks positively.

15. It is clarified that this Court has not expressed any opinion on the validity or legality of the alleged oral gift itself, which shall be examined by the registering authority in accordance with the law at the time of registration.

16. With the above directions, the instant petition, along with pending application(s), stands disposed of.

Let a copy of this order be communicated to all concerned for compliance forthwith.

JUDGE

JUDGE