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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Civil Revision No.S-23 of 2015.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection 'A'.
2. For orders on CMA No.172/2017.
3. For orders on CMA No.173/2017.
4. For Hearing of main case.

28.08.2017.

Applicant: Khadim Hussain Murree through Mr. Mazher Ali Bhutto, advocate for the applicant.

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Through this Civil Revision filed under section 115, CPC, the applicant has impugned judgment dated 01.4.2017, passed by the VI-Additional District Judge, Larkana, in Civil Appeal No.06 of 2017 whereby the appeal was dismissed and judgment and decree dated 05.12.2016, passed by IInd Senior Civil Judge, Larkana, in F.C Suit No.226/2016 has been maintained.

Learned counsel for the applicant submits that both the Courts below have erred in law and facts by dismissing the Suit and appeal as they have not considered the educational documents of the applicant which confirm that the actual date of birth of the applicant was 04.1.1999 and not 01.01.1990 as recorded in his CNIC. In such circumstances, learned counsel has prayed that notice be issued on this revision application to the respondents and the same be admitted for regular hearing.

I have heard learned counsel for the applicant and perused the record. At the very outset before notice could be ordered, the learned counsel was confronted as to what is the material irregularity or illegality in both the orders passed by the Courts below so as to compel this Court to exercise its discretion under section 115, C.P.C. To this learned counsel could not satisfactorily respond. It appears that the

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applicant had filed its Suit bearing No.22/2016 seeking the following relief(s):

- a) That this Honorable Court may kindly be pleased to Decree the Suit with directions to the Defendants to correct the date of birth in CNIC No.43203-2064721-9 of plaintiff from 01.01.1990 to 04.01.1999 being his actual date of birth as per the birth certificate.
- b) Award costs of the Suit.
- c) Grant any other equitable relief."

The appellant examined himself in the evidence and his cross-examination is as under:

"It is fact that I approached the Nadra Office for issuance of CNIC in the year 2010. It is fact that the defendants issued me form of CNIC for attestation purpose which I submitted the same before defendants after attested by the authorized officer. I see at annexure-A of W.S which bears my photograph and signature. It is fact that I approached the defendants in the year 2014 for issuance of Smart Card and I see at annexure-B of W.S which bears my photograph. It is incorrect that I got recorded my date of birth as 01.01.1990 before defendants. It is fact that as per my claim my age would have been remained 11 years in the year 2010 when I got my first CNIC. It is incorrect that my documents are false and bogus. It is incorrect that my Suit is not maintainable and liable to be dismissed."

It appears that the case of the applicant is to the effect that his date of birth is actually 04.01.1999 and not 01.01.1990 as recorded in his CNIC. Perusal of the aforesaid evidence of the applicant reflects that it is not denied that he was issued a CNIC in the year 2010 and the same was issued with his date of birth as 01.01.1990 which otherwise qualified him and entitled for issuance of CNIC being 18 years or more. In his Suit he sought declaration that his correct date of birth is 04.01.1999 and if that be so, then in the year 2010 he was not entitled for issuance of CNIC as he had not attained the age of 18 years. In his evidence he admits that *"It is fact that as per my claim my age would*

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have been remained 11 years in the year 2010 when I got my CNIC”.

Learned counsel for the applicant was confronted to satisfy as to how he could have been issued a CNIC in the year 2010 if he was born in 1999, to which the learned counsel submits that there is also a procedure for issuance of CNIC to citizens of 18 years of age or below. However, he could not cite any such provision of law, whereas it is an admitted position that citizens of 18 years and under are not issued any CNIC but a 'B' Form which gives the exact date of birth and other particulars and on the basis of which CNIC is issued when they attain the age of 18 years. Sub-Section (1) of Section 9 of National Database and Registration Authority Ordinance, 2000, provides that Every Citizen in or out of Pakistan who has attained the age of 18 years shall get himself and *a parent or guardian of every citizen who has not attained that age shall, not later than one month after birth of such citizen, get such citizen registered* in accordance with the provisions of this Ordinance, whereas, sub-section (5) states that The Authority may issue to a citizen *who has not attained the age of eighteen years but is registered under sub-section (1), such Certificate of registration in such form an manner and containing such information relating to such registered citizen as may be prescribed.* Similarly Section 10 provides that every citizen who has attained the age of eighteen years and got himself registered under Section 9 *ibid*, shall be issued a card to be called National Identity Card in such form with such period of validity upon payment of such fee in such form and manner as may be prescribed. Therefore the contention raised in this regard is devoid of any merits and is in fact against the very provision of NADRA Ordinance, 2000. Admittedly No such 'B' Form or proof of registration has been produced in the evidence on behalf of the applicant.

In view of hereinabove facts and circumstances of this case, I am of the view that no case is made out even for issuance of any notice to

the respondents as the orders by the Courts below are correct in law and are based on proper appreciation of evidence, whereas, applicant has failed to point out any illegality or misreading of evidence or facts, which could be looked into by this Court under its Revisional jurisdiction, and therefore, through a short order dated 28.08.2017, this Civil Revision was dismissed in limine and these are the reasons thereof.

M. Yousuf Panhwar
Judge
29/8/17

M. Yousuf Panhwar/ **