

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Civil Revision No. S – 77 of 2024

*(Khan Bahadur Lund v. Federation of Pakistan through
Chairman, NADRA, Islamabad & others)*

Date of hearing : 11.03.2025

Date of decision : 11.03.2025

Mr. Jaleel Ahmed Memon, Advocate for applicant.
Mr. Safdar Kamal, Advocate for respondents-NADRA.
Mr. Ahmed Ali Shahani, Assistant Advocate General Sindh.

J U D G M E N T

Zulfiqar Ahmad Khan, J. – This Civil Revision Application has been filed against the judgment dated 13.03.2024, passed by learned Additional District Judge, Moro in Civil Appeal No.14 of 2024, whereby, allowing the appeal and setting aside the judgment and decree dated 16.11.2023, passed by learned Senior Civil Judge-II, Moro in T.C. Suit No.05 of 2021, the suit of the applicant (plaintiff) has been dismissed.

2. Briefly, the facts of the case are that the applicant (plaintiff) filed a suit against the National Database and Registration Authority (NADRA) seeking a declaration and perpetual injunction, claiming that his father's name is Abdul Wahid Lund, whereas in his CNIC, it was erroneously written as Abdul Khalique Lund. He sought a correction of this error in NADRA's records including his CNIC.

3. The NADRA authorities, by filing written statement, denied the applicant's claim and stated that the CNIC was issued to the applicant in the year 2009 as per the information given by him, which was duly attested, and he remained satisfied and silent for more than 12 years till filing of the suit. Respondent No.4, Abdul Wahid Lund, being alive, also appeared before the trial Court with an application under Order I Rule 10,

CPC, for joining him as the defendant as he denied being the father of applicant, which application was allowed.

4. The trial Court, after recording of evidence of the parties and hearing them, passed the judgment and decree in favour of the applicant (plaintiff), holding that he is entitled for the relief viz. his father's name should be corrected. This verdict was challenged in an appeal before the appellate Court by respondent / defendant No.4, Abdul Wahid (his father), where the findings of the trial Court were reversed and the suit was dismissed. The applicant now seeks to overturn the appellate Court's decision through the present civil revision application.

5. Learned Counsel for the applicant contended that the appellate Court erred in its judgment by failing to properly appreciate the evidence presented in the case. The applicant had presented several pieces of evidence, including his birth certificate, voter list, residence certificate and *nikahnama* of his mother, all of which indicated that his father's name is Abdul Wahid Lund, and not Abdul Khalique Lund. Learned Counsel further contended that the DNA test report dated 11.05.2023, which was conducted with the consent of both parties, conclusively established that Abdul Wahid (respondent / defendant No.4) is the biological father of the applicant. Learned Counsel argued that the appellate Court failed to consider the above-mentioned evidence while allowing the appeal and dismissing the suit based on a technical point of limitation, which had already been addressed by the trial Court while decreeing the suit. Learned Counsel asserted that the claim of the applicant's paternity is based on cogent and reliable evidence, which has been ignored by the appellate Court.

6. Learned Counsel for NADRA argued that the appellate Court's decision is correct. He contended that the entries in the applicant's CNIC were made based on the information provided by the applicant at the time

of his application in 2009, which information was duly attested. At that time, the applicant had presented CNIC of his father indicating the name as Abdul Khaliq Lund, and not Abdul Wahid Lund. He further contended that the applicant subsequently obtained his smart CNIC in the month of October, 2018 with the same details and remained satisfied. The applicant had not raised any objection or taken any action to correct the error in the CNIC for approximately 12 years. Learned Counsel submitted that the appellate Court's decision to dismiss the suit on the ground of limitation is correct because the applicant had filed the suit after an unreasonable delay, making the suit time-barred under the Limitation Act, 1908. He lastly argued that the DNA test and other documents presented by the applicant could not override the facts that the CNIC was issued with the details provided by the applicant himself at the time of his initial registration.

7. After carefully considering the submissions made by both parties, it has been revealed that while the applicant presented evidence to support his claim that his father's name was incorrectly recorded on his CNIC, the core issue is the significant delay in raising this claim. Despite knowing of the error for many years, the applicant only filed the suit in 2021, nearly 12 years after receiving his CNIC with the alleged incorrect father's name.

8. The situation is further complicated by the conflicting family claims and the complex dynamics within the family. Abdul Wahid deposed that his brother, Abdul Khaliq, was ousted by their father due to disobedience. Abdul Wahid claimed that he married to Mst. Ayesha, the applicant's mother, and after their divorce, Mst. Ayesha remarried to Abdul Khaliq. Abdul Wahid further claimed that he had no children with her, and she had two sons, including the applicant, from wedlock with Abdul Khaliq. As per his version, it appears that the applicant, after the family dispute, remained with Abdul Khaliq. However, Abdul Khaliq denied being the applicant's biological father and insisted that he is the son of his younger brother,

Abdul Wahid. He also denied any further marriage between Mst. Ayesha and any other person and clarified that as Abdul Wahid remarried, it caused a rift in the relationship between him and Mst. Ayesha without formal divorce. He pointed out that the applicant's CNIC mistakenly mentions his name as the father, which led to confusion about the applicant's true paternity.

9. As per NADRA's records, in 2009, the applicant submitted an application for issuance of his CNIC and presented Abdul Khaliq's CNIC as his father's identification, which led to the recording of Abdul Khaliq's name as the applicant's father. However, the applicant now claims that his biological father is Abdul Wahid, and in support, he referred to the DNA test. This biological connection, while may be significant, does not automatically supersede the information recorded in the official documents, such as the CNIC, which depicts Abdul Khaliq as the applicant's father. The question also arises whether the applicant's claim that Abdul Wahid is his father, based on the DNA test, is an attempt to correct the record or if it is motivated by some personal interest, such as property claims.

10. In this case, the applicant was well aware of the discrepancy in his CNIC as early as 2009 when he first received it. The fact that he waited for over a decade before filing the suit in 2021 is what led the appellate Court to rule that the claim was time-barred. From the Court's perspective, the law could not bend just because the applicant now had evidence that may have supported his case. Legal processes are meant to be timely, and the applicant's failure to address the issue within a reasonable period outweighed the strength of his claim.

11. This delay was critical because, under the law, there are clear time frames within which a person must file a suit. These time limits are in place to ensure that claims are brought promptly, preserving the integrity of the evidence and allowing for fair resolution of disputes. If the claim is

not raised within the prescribed period, it is considered 'time-barred', meaning the applicant loses the right to have the case heard, regardless of the merits of the argument. This is particularly significant in the present case, where the applicant has reached 41 years of age, according to his date of birth.

12. The trial Court had sided with the applicant, ruling in his favour, but the appellate Court took a step back and considered the broader implications of justice. Justice is not just about the facts of a case, but about ensuring that disputes are settled in a timely and orderly manner. If every case with late filings is allowed to proceed, the judicial system would be overwhelmed, and the principles of fairness and efficiency would break down. Limitation periods are there to prevent exactly that to make sure that people do not sit on their rights for too long, creating uncertainty and difficulty for everyone involved. By failing to bring his case within a reasonable time, the applicant ultimately lost the opportunity to correct the error on his CNIC. The appellate Court's decision was not just about rejecting his claim on technical grounds, but about reinforcing the idea that the law has certain deadlines for a reason, and those deadlines must be respected to maintain fairness in the legal system.

13. In view of the above observations, the revision application is **dismissed** with costs. Both the applicant and his Counsel are directed to deposit Rs.10,000/- each in the account of the High Court Library Fund.

These are the reasons of my short order dated 11.03.2025.

J U D G E