

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**Present:**

Mr. Justice Qazi Faez Isa, CJ  
Mr. Justice Amin-ud-Din Khan  
Mr. Justice Athar Minallah

**Civil Petition No. 3575 of 2020**

*(Against the judgment dated 23.09.2020 of the  
Peshawar High Court, Peshawar passed in Writ  
Petition No. 514-P/2020)*

*Regional Manager, NADRA RHO, Hayatabad,  
Peshawar and another.* ... *Petitioners*

*Versus*

*Mst. Hajira and another.* ... *Respondents*

For the Petitioners: Mr. Afnan Karim Kundi, ASC.

Both Respondents: In-person.

On Court's Notice:

For the Federation: Ch. Aamir Rehman,  
Additional Attorney-General for Pakistan.

Date of Hearing: 22.11.2023.

**ORDER**

**Qazi Faez Isa, CJ.** This petition has been filed by two petitioners, respectively Regional Manager, NADRA, Regional Head Office, Hayatabad, Peshawar and Director General, NADRA, Project Directorate NADRA Head Quarters, Islamabad, but both of them are not authorized to file this petition. It appears that a statutory corporate body did not read its own law, which is, the National Database and Registration Authority Ordinance, 2000 (**'the Ordinance'**). Mentioning an acronym in the title of the petition also does not conform to how a party is to be described in the Code of Civil Procedure, 1908 (**'CPC'**). The National Database and Registration Authority (**'Authority'**) should learn how corporate entities are to be defined and to read the Ordinance to learn who can initiate and defend litigation. Section 3(2) of the Ordinance stipulates that the Authority is a corporate body and has to sue in its own name through the authorized person.

2. The learned counsel representing the petitioners states that in the writ petition which was filed by the respondents (two private individuals) in the Peshawar High Court had arrayed the petitioners as mentioned herein, and copied the title therefrom. With respect to the learned counsel, if the respondents had not arrayed the Authority, this objection should have been taken before the High Court, and not to perpetuate the mistake before this Court. Learned counsel also states that the office of this Court raises objections when parties are not described exactly as they were before the High Court, but did not refer to any objection in this regard nor to an order of this Court. It appears that the ability to accept one's mistake is a quality in recession. Litigation has to be conducted in accordance with the law. However, the petitioners did not comply with the Ordinance nor with the CPC regarding the provisions stipulating the mode and manner of describing parties.

3. Leaving aside the aforesaid the learned counsel submits that the Pakistan Origin Card ('**POC**') is granted under section 11 of the Ordinance and in accordance with the National Database and Registration Authority (Pakistan Origin Card) Rules, 2002 ('**the Rules**'). The writ petition, which was allowed, had directed the Authority to issue POC to the respondent No. 2, which learned counsel states has now been issued, therefore, the grievance of the respondents stands redressed. It is unfortunate that the Authority rather than doing its job in the first instance had compelled the respondents to file a writ petition before the Peshawar High Court, which was allowed. However, the decision of the Peshawar High Court was challenged before this Court, when certain questions were raised, and only then better sense prevailed and the Authority issued the POC to the respondent No. 2. The Authority is a statutory organization and should have abided by its own law, and not to have generated unnecessary litigation.

4. The only concern of the learned counsel is that the impugned judgment did not refer to section 11 of the Ordinance and the Rules. He states that if the respondent No. 1 and respondent No. 2 were to divorce, then as per the impugned judgment, the respondent No. 2 would still be entitled to the POC, which would be contrary to rule 4(5) of the Rules. We

are confident that if proper assistance had been provided to the High Court the impugned judgment would have attended to this aspect too. Needless to state that if the situation, as conjectured by the learned counsel, were to arise the same will be attended to as provided by the Ordinance and the Rules. With such clarification this petition is disposed of.

Chief Justice

Judge

Judge

Islamabad:  
22.11.2023  
(M. Tauseef)

Approved for Reporting