

IN THE COURT OF SAMI ULLAH,
CIVIL JUDGE-I, ORAKZAI AT BABER MELA

Civil Suit No. 54/1 of 2022
 Date of Institution: 02/12/2022
 Date of Decision: 10/01/2023

Balyamin Khan S/O Muhammad Aziz
 R/O Kalam Khel, Qoam Mamozai, Tappa Meer Tehsil Upper, District Orakzai.
(Plaintiff)

VERSUS

1. **Chairman Nadra, Islamabad**
 2. **D.G Nadra, Peshawar**
 3. **Assistant Director Nadra, District Orakzai.**

..... (Defendants)

**SUIT FOR DECLARATION CUM PERPETUAL AND
 MANDATORY INJUNCTION**

SUMMARY JUDGEMENT:
10.01.2023

1. Brief facts of the case in hand are that the plaintiff, **Balyamin** has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that his correct date of birth is **01.01.2003**, while it has been wrongly mentioned as 01.01.1996 by the defendants in their record with respect to the plaintiff. Similarly, the date of birth of mother of plaintiff according to her CNIC is 01.01.1985. Thus, there is un-natural gap of 11 years between the age of plaintiff and his mother, which is liable to correction. That the defendants were

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repeatedly asked to correct the date of birth of plaintiff but they refused, hence, the instant suit.

2. Defendants were summoned, who appeared through their representative namely Mr. Irfan Hussain, who submitted written statement.

3. During the scheduling conference within the meaning of order IX-A of CPC, it was revealed that the matter involved in the instant case is very petty in nature, which can be decided through summary judgement as per relevant record. To this effect notice was given to the parties that why not the case in hand be decided on the basis of available record without recording lengthy evidence, as the primary aim and objective of Amended Management Rules in CPC is, "*to enable the court to-*

- a. *Deal with the cases justly and fairly;*
- b. *Encourage parties to alternate dispute resolution procedure if it considers appropriate;*
- c. *Save expense and time both of courts and litigants; and*
- d. *Enforce compliance with provisions of this Code."*

4. The plaintiff produced two witnesses and himself appeared as a witness in his favour who recorded the statements and testified that the correct date of birth of the plaintiff is **01.01.2003**. Plaintiff himself recorded his statement as PW-1, that his correct date of birth is 01.01.2003. He further stated that there is unnatural gap of 11 years between his age and his mother's age. His CNIC is Ex.PW-1/1. Moreover, he recorded in his statement that his parents got married in the year 2002.

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PW-02 namely Abdul Qayum said in his statement that plaintiff is his relative and mother of plaintiff got married 21 years ago. He further stated that father of plaintiff is coetaneous to him. His CNIC is Ex.PW-2/1. PW-03 namely Abdul Aziz said in his statement that the correct date of birth of plaintiff is 01.01.2003, while it has been wrongly mentioned as 01.01.1996 in his CNIC. He further stated that mother of the plaintiff is his sister and her date of birth is 01.01.1985 according to her CNIC. His CNIC is Ex.PW-3/1.

5. Representative of NADRA appeared as DW-01. He produced family tree, Processing form and birth/Marriage certificate which are Ex. DW-1/1 to Ex.DW1/3. He admitted the stance of the plaintiff in his cross examination. Hence, in these circumstances, the said documents are admissible and reliance is placed on it and are sufficient to decide the fate of the case and no further evidence is required to be produced by the parties. So, the available record clearly establishes the claim of the plaintiff.

6. Learned counsel for plaintiff and legal advisor for defendants heard and record gone through.
7. Record reveals that plaintiff through instant suit is seeking correction of his date of birth to the effect that his correct date of birth is **01.01.2003**, while it has been wrongly mentioned as 01.01.1996 by the defendants in their record with respect to the plaintiff. Furthermore, there is no counter document

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available with the defendants to rebut the document produced by the plaintiff in support of his stance. Hence, in these circumstances, the said document is admissible and reliance is placed on it and is sufficient to decide the fate of the case and no further evidence is required to be produced by the parties. So, the available record clearly establishes the claim of the plaintiff.

8. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct the date of birth of plaintiff as **01.01.2003** in their record.
9. Parties are left to bear their own costs.
10. File be consigned to the record room after its necessary completion and compilation.

Announced
10.01.2023

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CERTIFICATE

Certified that this judgment of mine consists of **04** (Four) pages, each has been checked, corrected where necessary and signed by me.

Sami Ullah
Sami Ullah
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Orakzai (at Baber Mela) 10/01/2023