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**IN THE COURT OF REHMAT ULLAH WAZIR,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA**

Civil Suit No. 17/1 of 2023
Date of Institution: 19/01/2023
Date of Decision: 15/02/2023

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1. **Nizam-Ur-Rehman s/o Haji Noor Rehman**
 2. **Shafiq-Ur-Rehman s/o Nizam-Ur-Rehman**
Both R/O Qoum Mamozai, Tappa Aado Khel, Barkhan Nawasi, Tehsil Upper,
District Orakzai.
- (Plaintiffs)

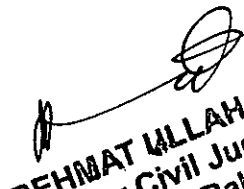
VERSUS

1. **Chairman NADRA, Islamabad.**
 2. **Director General NADRA, Peshawar, KPK**
 3. **Assistant Director NADRA, Orakzai**
- (Defendants)

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

SUMMARY JUDGEMENT:
15.02.2023

1. Brief facts of the case in hand are that the plaintiffs, **Nizam-Ur-Rehman and one other** have brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that the correct date of birth of plaintiff No. 01 is **01.01.1984** and the correct date of birth of plaintiff No. 02 is **01.07.2001**, while the defendants have wrongly mentioned the same as **1964** and **1988** respectively in their record. That the date of birth of Mst. Basnama, mother of plaintiff No. 01, is 1966 in her MNIC and she is 02 years younger than her son


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(plaintiff No. 01). Thus, there is an unnatural gap of 02 years between the dates of birth of the plaintiff No. 01 and his mother. That the plaintiff No. 01 is the real father of the Plaintiff No. 02, if the date of birth of the plaintiff No. 01 is corrected as 01.01.1984, there will be an unnatural gap of 02 years between the dates of birth of the plaintiff No. 01 & 02, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were repeatedly asked to correct the dates of birth of plaintiffs but they refused, hence, the instant suit.

2. Defendants were summoned, who appeared through their representative namely Mr. Irfan Hussain, who submitted written statement wherein, he raised various legal and factual

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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-

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- 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."

Learned counsel for plaintiffs and representative for defendants heard and record gone through.

4. Record reveals that plaintiffs through instant suit seeking declaration therein that the correct date of birth of plaintiff No. 01 is **01.01.1984** and the correct date of birth of plaintiff No. 02 is **01.07.2001**, while the defendants have wrongly mentioned the same as **1964** and **1988** respectively in their record. That the date of birth of Mst. Basnama, mother of plaintiff No. 01, is 1966 in her MNIC and she is 02 years younger than her son (plaintiff No. 01). Thus, there is an unnatural gap of 02 years between the dates of birth of the plaintiff No. 01 and his mother. That the plaintiff No. 01 is the real father of the Plaintiff No. 02, if the date of birth of the plaintiff No. 01 is corrected as 01.01.1984, there will be an unnatural gap of 02 years between the dates of birth of the plaintiff No. 01 & 02, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiffs in support of their contention produced their CNICs and CNIC of the mother of plaintiff No. 01, wherein the dates of birth of the plaintiffs have been mentioned as **1964 & 1988** and



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that of the mother of plaintiff No. 01 is mentioned as 1966; thus, there is a gap of 02 years between the dates of birth of the plaintiff No. 01 and his mother, which is very unnatural. So, all these documents clearly negate the incorporation of their dates of birth as 1964 and 1988 in their CNICs. Further, there is no countered document available with the defendants to rebut the documents produced by the plaintiffs in support of their stance. 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 plaintiffs succeeds and is hereby **decreed** as prayed for with costs. Defendants are directed to correct the date of birth of plaintiff No. 01 as **01.01.1984** and date of birth of the plaintiff No. 02 as **01.07.2001** in their record and in the CNICs of the plaintiffs.

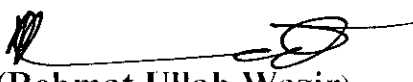
5. File be consigned to the record room after its necessary completion and compilation.

Announced
15.02.2023


(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)

CERTIFICATE

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


(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)