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

Civil Suit No. 6/1 of 2023
Date of Institution 23.01.2023
Date of Decision: 28.02.2023

Habib Ullah s/o Nasib Gul

R/O Qoam Mamozai, Tappa Mir Kalam Khel, Post Office Ghiljo, Tehsil Upper, District Orakzai.

(Plaintiff)

VERSUS

1. Chairman NADRA Islamabad.
2. Director General NADRA Peshawar.
3. Assistant Director, NADRA District Orakzai.

(Defendants)

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

SUMMARY JUDGEMENT:
28.02.2023

Brief facts of the case in hand are that the plaintiff, **Habib Ullah s/o Nasib Gul**, has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, seeking declaration therein that the plaintiff's correct date of birth is **15.02.2004** but the date of birth of the plaintiff is wrongly mentioned as 14.01.2010 in his Nadra Record by the defendants which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That

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


During the scheduling conference within the meaning of order IX-A of CPC, it was revealed that the matter involved in 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."

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

Record reveals that plaintiff through instant suit is seeking correction of his date of birth 15.02.2004, while it has been wrongly mentioned as 14.01.2010 by the defendants in their record.

The plaintiff and defendants were directed to produce their entire evidence on the date fixed.


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The plaintiff produced three 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 **15.02.2004**. Plaintiff himself recorded his statement as PW-01, that his correct date of birth according to his domicile is **15.02.2004**. While it has been wrongly mentioned in the record of defendant i.e. in his Form-B as 14.01.2010. He further stated that if he agrees with the record of defendants he will be deprive of making his CNIC for 06 years. Copy of Domicile is Ex.PW-1/1. PW-02 namely Rasheed Ahmad (brother of plaintiff) who recorded his statement and stated that the plaintiff is my younger brother and his correct date of birth is **15.02.2004**, while it has been wrongly mentioned in processing form of plaintiff is 14.01.2010. Copy of my CNIC is Ex.PW-2/1. PW-03 namely Abdul Karim who recorded his statement that he knows the plaintiff personally and he agree with the statements of plaintiff and his brother. Copy of my CNIC is Ex.PW-3/1.

Representative of NADRA appeared as DW-01. He produced family tree, Processing form and school birth certificate which are Ex. DW-1/1 to Ex.DW1/3. DW-01 recorded in his statement that mother of plaintiff while

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applying for Form-B has mentioned 14.01.2010 as his date of birth.

Record reveals that plaintiff through instant suit seeking declaration therein that the plaintiff's correct date of birth is **15.02.2004**, while the date of birth of the plaintiff is mentioned as 14.01.2010 in his Nadra record by the defendants. Plaintiff in support of his contention produced the copy of his Domicile. Moreover, the plaintiff has produced three witnesses in support of his claim and no contradiction has been recorded in cross examination of these witnesses. The physical appearance of the plaintiff also strengthens the fact that he is not 13 year of age, as his date of birth is mentioned as 14.01.2010 in Nadra Record, which is liable to correction.

Hence, in these circumstances, the said documents and evidence in shape of witnesses produced by the plaintiff 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.

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


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decreed as prayed for. Defendants are directed to enter the correct the date of birth of the plaintiff as **15.02.2004** in their record.

Costs shall follow the event.

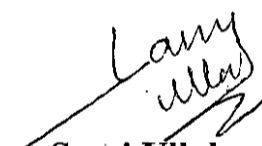
File be consigned to the record room after its necessary completion and compilation.

Announced
28.02.2023


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CERTIFICATE

Certified that this judgment of mine consists of **05** (Five) pages, each has been checked, corrected where necessary and signed by me.


Sami Ullah
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Orakzai (at Baber Mela)