

26

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

Civil Suit No. 19/1 of 2022
Date of Institution: 01.03.2023
Date of Decision: 22.03.2023

Taj Akbar s/o Yousaf Khan R/O Qoum Mishti, Tappa Darwi Khel,
Village Badgor, District Orakzai
(Plaintiff)

VERSUS

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

(Defendants)

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

SUMMARY JUDGEMENT:
22.03.2023

1. Brief facts of the case in hand are that the plaintiff, **Taj Akbar** 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 1972 according to his Service Record Medical Certificate whereas, it has been wrongly mentioned as 1963 in the record of defendants, which is wrong, ineffective upon the rights of the plaintiff and is liable to correction. That the defendants were asked time and again for correction of date of birth of the plaintiff but they refused to do so, hence the present suit;

REHMAT ULLAH WAZIR
Senior Civil Judge
Orakzai at Baber Mela

27

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-

REHMAT ULLAH WAZIR
Senior Civil Judge/JM,
Orakzai at Baber, Mela

- 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 concerned record-keeper of District Police, Orakzai was summoned and the one Atif Ullah appeared as CW-01 who produced Service Record, District Police, Orakzai and Medical Record of the plaintiff, the copies of which are Ex.CW-1/2 and Ex.CW-1/3 respectively and that according to these, the date of birth of the plaintiff is 1972.

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

5. Record reveals that plaintiff through instant suit seeking declaration therein that that his correct date of birth is 1972 according to his Service Record and Medical Certificate whereas, it has been wrongly mentioned as 1963 in the record of defendants, which is wrong, ineffective upon the rights of the plaintiff and is liable to correction. Plaintiff in support of his contention produced his Service Record and Medical Certificate, wherein the date of birth of the plaintiff has been mentioned as 1972, So, Service Record and Medical Certificate of the plaintiff clearly negate the incorporation of his date of birth as 1963 in record of the defendants. Further, there is no countered document available with the defendants to rebut the document produced by the plaintiff in support of his stance, which establishes that the date of birth of the plaintiff has wrongly been mentioned in record of the defendants that is against the facts and circumstances. The available record is sufficient to decide the fate of the case and no further evidence is required to be produced by the parties.

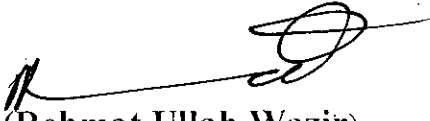
6. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby **decreed** as prayed for with costs. Defendants are directed to correct

29

the date of birth of plaintiff as **1972** in their record and in the CNIC of the plaintiff.

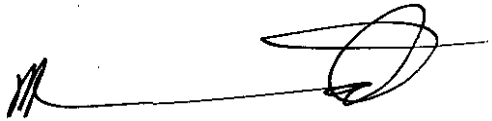
7. File be consigned to the record room after its necessary completion and compilation.

Announced
22.03.2023


(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)