

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

Civil Suit No. 14/1 of 2023  
Date of Institution: 10/02/2023  
Date of Decision: 25/03/2023

- 1. **Mst. Tasleem Bibi D/O Zari Man Shah**
  - 2. **Mst. Zarqa Bibi D/O Zari Man Shah**
  - 3. **Mst. Khursheed Bibi D/O Zari Man Shah**
  - 4. **Mst. Razmeen Bibi D/O Zari Man Shah**
- R/O Qoam Ali Khel, Tappa Aimal Khan Khel, Tehsil Upper, District Orakzai.  
.....(Plaintiffs)

**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:  
25.03.2023**

1. Brief facts of the case in hand are that the plaintiffs have brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct date of birth of the plaintiffs namely Tasleem Bibi, Zarqa Bibi, Khursheed Bibi and Razmeen Bibi are **08.05.1999, 03.01.2001, 04.02.2004 and 10.01.2007** respectively while it has been wrongly mentioned as 09.06.2005, 01.01.2006, 04.07.2011 and 10.09.2013 by the defendants in their record with respect to the plaintiffs. That the defendants were repeatedly asked to

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correct the date 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.

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 were 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 relevant Union Counsel's recordkeeper was summoned and the one Asif Ali V/C Secretary appeared as CW-01, who produced Birth Registration Certificate and affidavit (Stamp Paper), according to that the correct date of birth of the plaintiffs are **08.05.1999, 03.01.2001, 04.02.2004 and 10.01.2007**. His Service Card is EX.CW1/1.

5. The plaintiffs produced their father as PW-01, who recorded his statement, that plaintiffs are my daughters and their correct date of birth according to their Birth Registration Certificate are **08.05.1999, 03.01.2001, 04.02.2004 and 10.01.2007** but

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defendants have wrongly entered the same as 09.06.2005, 01.01.2006, 04.07.2011 and 10.09.2013 in their record. His CNIC is Ex.PW-1/1.

6. Representative of NADRA appeared as DW-01. He produced family tree, Processing form and scanned affidavit "for birth certificate" which are Ex. DW-1/1 to Ex.DW1/3. He further stated that the mother of the plaintiffs has applied for Form-B of her daughters on 07.10.2019 and produced affidavit regarding the correct date of birth of plaintiffs. He admitted the stance of the plaintiffs in his cross examination regarding the fact that according to Nadra SOPs one time change in date of birth in Form-B can be made on the basis of birth registration certificate. 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 plaintiffs.
7. Learned counsel for plaintiffs and legal advisor for defendants heard and record gone through.
8. Record reveals that plaintiffs through instant suit is seeking correction of their date of births to the effect that their correct date of births is **08.05.1999, 03.01.2001, 04.02.2004** and **10.01.2007**, while it has been wrongly mentioned as 09.06.2005, 01.01.2006, 04.07.2011 and 10.09.2013 by the defendants in their record with respect to the plaintiffs. Furthermore, there is no counter document available with the defendants to rebut the document produced by the plaintiffs in

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support of their 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 plaintiffs.

9. 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. Defendants are directed to correct the date of birth of plaintiff No.01 namely Tasleem Bibi as **08.05.1999**, plaintiff No.02 namely Zarqa Bibi as **03.01.2001**, plaintiff No.03 namely Khursheed Bibi as **04.02.2004** and plaintiff No.04 namely Razmeen Bibi as **10.01.2007** in their record.
10. Parties are left to bear their own costs.
11. File be consigned to the record room after its necessary completion and compilation.

**Announced**  
**25.03.2023**

*Sami Ullah*  
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Civil Judge/JM-I,  
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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**  
Civil Judge/JM-I,  
Orakzai (at Baber Mela)