

IN THE COURT OF MUHAMMAD AYAZ KHAN,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 236/1 of 2019
Date of Institution: 02/01/2020
Date of Decision: 30/01/2020

Hazrat Ullah s/o Fazal Khan

Resident of Village Zwan, PO Mishti Mela, Tehsil Central Orakzai & District Orakzai..... (Plaintiff)

VERSUS

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

(Defendant

s)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

SUMMARY JUDGEMENT:
ORDER XV-A CPC

1. Plaintiff, **Hazrat Ullah s/o Fazal Khan**, has brought the instant suit for declaration-cum-permanent injunction against the defendants, referred hereinabove, seeking declaration therein that his correct date of birth is **12.02.1998** while it has been wrongly mentioned as **01.01.1993** by the defendants, which is against the facts and circumstances. Hence, the instant suit.

2. Defendants were summoned, who appeared through attorney namely **Syed Farhat Abbas**, who stated at the bar that there is no need of filing of application on behalf of the defendants. He submitted written statement, which is placed on file.

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

Muhammad Ayaz
MUHAMMAD AYAZ
 Senior Civil Judge,
 Orakzai at Mangu

the instant case is very petty in nature, which can be decided as per available record and there is no need of pro and contra evidence in the instant case. 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."

During the scheduling conference, it was noticed by the court that as per the SSC certificate, present on file, the date of birth of the plaintiff is **12.02.1998**. It is even in the rules of NADRA that date of birth in the CNIC of educated person, his SSC certificate is considered to be basic document for the purpose of correct date of birth. In present case the SSC certificate verifies the correct date of birth of the plaintiff is 12.02.1998. Even otherwise, if case is fixed for evidence, the result would be same as the SSC certificate would be considered the basic document for the purpose of determination of correct date of birth of the plaintiff. There is no countered document available with the defendants to rebut the SSC certificate. Further, SSC certificate is maintained and issued by BISE under statutory mandate, provided under the law. Hence, in circumstances, SSC certificate is admissible

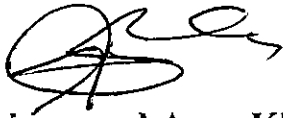
and reliance is placed on it. It is held that the correct date of birth of the plaintiff is 12.02.1998. The claim of the plaintiff is proved as per available record present on file.

Relief:

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 his date of birth as **12.02.1998** forthwith.


- 3. Parties are left to bear their own costs.
- 4. File be consigned to the record room after its necessary completion and compilation.

Announced
12/12/2019


(Muhammad Ayaz Khan)
 Senior Civil Judge,
 Orakzai at Baber Mela

CERTIFICATE

Certified that this judgment of mine consists **03** (three) pages, each has been checked, corrected where necessary and signed by me.


MUHAMMAD AYAZ KHAN
 Senior Civil Judge,
 Orakzai (at Baber Mela).