

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

Civil Suit No. 300/1 of 2020
Date of Institution: 13/06/2020
Date of Decision: 01/10/2020

21

Zafar Ullah s/o Nokar Khan

Caste Utman Khel Tappa Bazran Khel, PO Feroz Khel, village Shankaryan Tehsil
lower Orakzai & District Orakzai..... (Plaintiff)

VERSUS

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

(Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

SUMMARY JUDGEMENT:

01.10.2020

1. Plaintiff, **Zafar Ullah s/o Nokar 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 **15.03.1996**, while it has been wrongly mentioned as 01.01.1991 in his CNIC 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**, and submitted their written statement.
3. During the scheduling conference within the meaning of order IX-A of CPC, it was revealed that the matter involve in the

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela

01.10.2020

instant case is very petty in nature, which can be decided through summary judgement as per relevant record and to this effect notice was given to the parties that why not case in hand be decided on the basis of available record without recording pro and contra evidence, as the primary aim and objective of Amended Management Rules in CPC is, "to enable the court to-

22

- 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 to the effect that his correct date of birth is **15.03.1996** but defendants have wrongly mentioned the same as 01.01.1991. Plaintiff in support of his contention produced his SSC certificate and Madrassa certificate wherein date of birth of plaintiff has been mentioned as **15.03.1996**. So, the said certificates clearly negate the incorporation of his date of birth as 01.01.1991 in his CNIC. Further, there is no countered document available with the defendants to rebut the said certificates. Moreover, the SSC certificate is maintained

and issued by BISE under statutory mandate, provided under the law. Hence, in circumstances, the said certificates are admissible and reliance is placed on it and are sufficient to decide the fate of instant case. So, the available record clearly establishing the claim of plaintiff. (23)

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 the date of birth of plaintiff as **15.03.1996** in their record.

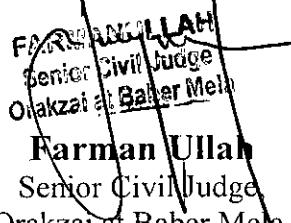
5. Parties are left to bear their own costs.
6. File be consigned to the record room after its necessary completion and compilation.

Announced
01/10/2020


FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.

CERTIFICATE

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


FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.