

(17)

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

Civil Suit No. 313/1 of 2020
Date of Institution: 10/07/2020
Date of Decision: 12/10/2020

Rafi Ullah s/o Muhammad Yousaf
Caste Ali Khel Tappa Sher Khel, PO Ghiljo, village Tang Tagha Naka Tehsil Upper
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 AND MANDATORY
INJUNCTION**

SUMMARY JUDGEMENT:

12.10.2020

1. Brief facts of the case in hand are that the plaintiff, **Rafi Ullah s/o Muhammad Yousaf**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that his correct date of birth is **03.03.1995**, while it has been wrongly mentioned as 01.01.1991 in his CNIC by the defendants, which is against the facts and circumstances. That date of birth of mother of plaintiff is 01.01.1980 in her CNIC while date of birth of father of plaintiff is 1975 in his CNIC. That the difference between the age of plaintiff and his mother is 11 years only while the difference between the age of

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela

plaintiff and his father is 16 years which is unnatural gape between the son and his parents. That defendants were repeatedly asked to correct the date of birth of plaintiff but they refused. 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 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-*

- 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.

19

4. 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 **03.03.1995** but defendants have wrongly mentioned the same as 01.01.1991. Plaintiff in support of his contention has produced the CNIC of his parents while representative for defendants also produced the family tree of the plaintiff. The perusal of CNICs of parents of plaintiff and family tree of plaintiff show that the difference between the age of plaintiff and his mother as 11 years while the difference between the plaintiff and his father as 16 years. Such a difference in the age of son and his parents seems to be unnatural and which establishes that the date of birth of the plaintiff has wrongly been mentioned in his CNIC. The available record is sufficient to decide the fate of the case and no further evidence is required to be produced by the parties.

12.10.2020
KARIMANULLAH
Senior Civil Judge
Orakzai at Baber

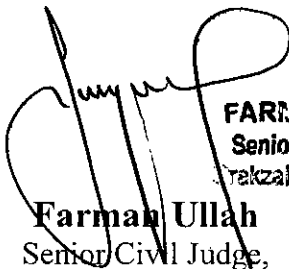
5. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct the date of birth of plaintiff as **03.03.1995** in their record and in the CNIC of the plaintiff.

6. Parties are left to bear their own costs.

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

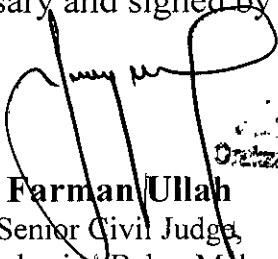
(2)

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 **04** (four) 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.