


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

Order
11/12/2019

Plaintiff present. Attorney of the defendant present. Vide my summary judgement of today, consists of 03 (three) pages, suit of the plaintiff is hereby decreed as prayed for. No order as to cost.

Case file be consigned to record room.

Announced
11/12/2019



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

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

Civil Suit No. 209/1 of 2019
 Date of Institution: 23/11/2019
 Date of Decision: 11/12/2019

Muhammad Ilyas s/o Fazal Gul

Resident of Village Pareshan Tang, PO Ghiljo, Tehsil Upper 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, **Muhammad Ilyas s/o Fazal Gul**, 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 **02.03.2005** while it has been wrongly mentioned as **01.01.2001** 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.


 MUHAMMAD AYAZ
 Senior Civil Judge,
 Orakzai at Hangu.

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 as per available record and there is no need of pro and contra evidence in the instant case. The primary aim and objective of recent Amendment Act 2019 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 pointed out that the correct date of birth of the plaintiff is **02.03.2005** which is evident from the school certificates in shape of SSC certificate, already present on file. The same has not been rebutted by the defendants through counter documents. Representative of the defendants has raised traditional objections, which cannot be accepted. Further, future of the plaintiffs is dependent upon the present correction in date of birth, which cannot be ignored. No need of evidence in the instant case. Hence, the claim of the plaintiff is proved as per the available documents and record, which are admissible in evidence.


MUHAMMAD AYAZ
Senior Civil Judge,
Orakzai at Hanqu

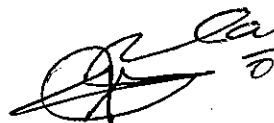
Relief:

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 **02.03.2005** 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

11/12/2019

**(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).