

(18)

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

Civil Suit No. 339/1 of 2020
Date of Institution: 06/10/2020
Date of Decision: 02/12/2020

Habib Noor s/o Khan Wazir
Caste Shekhan, Tappa Bazeed Khel, P/O Ghiljo village Jalo 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 INJUNCTION

SUMMARY JUDGEMENT:

02.12.2020

1. Plaintiff, **Habib Noor s/o Khan Wazir**, 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 **10.10.2002**, while it has been wrongly mentioned as 10.06.1997 in his Form-B 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.


FARMAN ULLAH
Senior Civil Judge
Orakzai at Baber

02.12.2020

79

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.”

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela

02.12.2020
Learned counsel for plaintiff and representative for defendants heard and record gone through.

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 **10.10.2002** but defendants have wrongly mentioned the same as **10.06.1997**. Plaintiff in support of his contention has relied on his education record. Today he produced his original DMC of class 9th and 10th and also produced provisional certificate of matric, while the copies are already available on

20

file. In all ^{these} ~~these~~ documents the date of birth of plaintiff has been recorded as 10.10.2002. So, the educational documents support the contention of plaintiff and there is no counter document available with the defendants to rebut the said documents. Similarly, the Matric DMC is maintained and issued by BISE under statutory mandate, provided under the law. Hence, in circumstances, the said DMC is admissible and reliance is placed on it and is sufficient to decide the fate of instant case. So, the available record clearly establishing the claim of plaintiff.

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 **10.10.2002** 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
02/12/2020

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

(21)

CERTIFICATE

Certified that this judgment of mine consists of **04** (four) pages including this page, each has been checked, corrected where necessary and signed by me.



Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela