

IN THE COURT OF SYED ABBAS BUKHARI,
CIVIL JUDGE-II, TEHSIL COURT, KALAYA, ORAKZAI

Civil Suit No. 41/1 of 2023
Date of Original Institution: 07.06.2023
Date of Decision: 07.07.2023

Mst. Arifa Jan wife of Itbar Khan, resident of Qoum
Mani Khel, Ahmad Khel, PO Kalaya Tehsil Lower, District:
Orakzai.

.....(Plaintiff)

VERSUS

Chairman, NADRA, Islamabad.
Assistant Director, NADRA District Orakzai.

.....(Defendants)

07.07.2023
SYED ABBAS BUKHARI
Civil Judge/JM-II
Tehsil Courts Kalaya




**SUIT FOR DECLARATION, PERMANENT AND MANDATORY
INJUNCTION**

SUMMARY JUDGEMENT:
07.07.2023

1. Brief facts of the case in hand are that the plaintiff, has brought the instant suit for declaration, permanent and mandatory injunction against the defendant, referred hereinabove, seeking declaration therein that correct date of birth of the plaintiff is **01.01.1954**, while defendants have wrongly entered the date of birth of plaintiff as 12.05.1965 in the CNIC, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the 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 their representative namely Irfan Hussain, who submitted authority letter and written statement.

3. 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 through summary judgement as per relevant record. The representative for the defendants stated that he has no objection if the case is decided on the basis of available record without recording lengthy evidence, as the primary aim and objective of Amended Management Rules in CPC is, "to enable the court to-


~~MEHTAB HAS BUKHARI~~
Civil Judge (M)-II
Tehsil Courts Kataya
07.07.21

- 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 heard and record gone through.

4. Record reveals that plaintiff through instant suit are seeking correction of date of birth to the effect that correct date of birth of plaintiff is **01.01.1954** while it

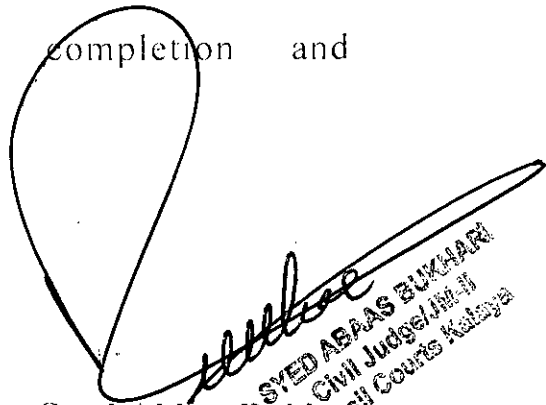
has been wrongly entered as 12.05.1965 in the CNIC of the plaintiff by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of her contention annexed photocopy of her elder son namely Mehboob Ali, bearing CNIC No. 21603-9845269-5 wherein, date of birth of plaintiff's elder son is 20.04.1972 and according to that there is a gap of 07 years between the plaintiff and her elder son which is un-natural and against the SOP of NADRA. The said document clearly negate the incorporation of date of birth of plaintiff as 12.05.1965 in her CNIC. Further, there is no countered document available with the defendants to rebut the document produced by the plaintiff in support of her contention. So, the available record clearly establishes the claim of the plaintiff.

[Signature]
 SYED ABAAS BUKHARI
 27/07/2020
 Tehsil Courts Kalaya

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 **01.01.1954** 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 District Record Room, Orakzai after its necessary completion and compilation.

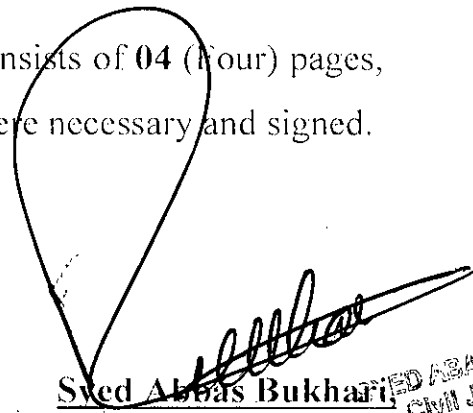
Announced
07.07.2023



Syed Abbas Bukhari,
Civil Judge-II,
Tehsil Courts, Kalaya, Orakzai

CERTIFICATE

Certified that this judgment consists of 04 (four) pages, each has been checked, corrected where necessary and signed.



Syed Abbas Bukhari,
Civil Judge-II,
Tehsil Courts, Kalaya, Orakzai