

IN THE COURT OF REHMAT ULLAH WAZIR,
CIVIL JUDGE-I, ORAKZAI AT BABER MELA

Civil Suit No. 119/1 of 2020
Date of Institution: 06/10/2020
Date of Decision: 30/11/2020

Bibi Janan W/O Syed Raza Hussain

Caste bar Muhammad Khel, Tappa Baba Nawasi, PO Kalaya, Tehsil Lower & District Orakzai.....

(Plaintiff)

VERSUS

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

(Defendants)

SUIT FOR DECLARATION CUM PERPETUAL AND MANDATORY INJUNCTION

SUMMARY JUDGEMENT:

30.11.2020

1. Brief facts of the case in hand are that the plaintiff, **Bibi Janan W/O Syed Raza Hussain**, has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that her correct date of birth is **01.01.1986**, while it has been wrongly mentioned as 01.01.1990 in her CNIC by the defendants, which is against law and circumstances. That the date of birth of the plaintiff's son namely Syed Razi Abbas, according to Matric (SSC) DMC and School Leaving Certificate is 28.05.2003, while date of birth of his mother (plaintiff) according to her CNIC is 01.01.1990, which is un-natural difference between-

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Rehmat Ullah Wazir
Civil Judge (I) Orakzai at (Barbar Mela)

them. That defendants were repeatedly asked to correct the date of birth of plaintiff but they refused. Hence, the instant suit.

2. That the defendants were summoned, who appeared through attorney namely Syed Farhat Abbas, who submitted 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 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."

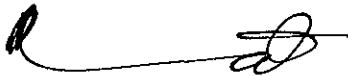
Learned counsel for plaintiff and representative for defendants heard and record gone through.

4. Record reveals that plaintiff through instant suit is seeking correction of her date of birth to the effect that her correct date of birth is **01.01.1986**, while it has been wrongly

mentioned as 01.01.1990 in her CNIC by the defendants, which is against the law and circumstances. That the date of birth of the plaintiff's son namely Syed Razi Abbas, according to Matric (SSC) DMC and School Leaving Certificate is 28.05.2003, while date of birth of his mother (plaintiff) according to her CNIC is 01.01.1990, which is unnatural difference between them. The available record is sufficient to decide the fate of the case and no further evidence is required to be produced by the parties.


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 **01.01.1986** 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.

Announced
30.11.2020


(Rehmat Ullah Wazir)
Civil Judge-I,
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.


(Rehmat Ullah Wazir)
Civil Judge-I,
Orakzai (at Baber Mela)