

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

Civil Suit No. 147/1 of 2020
Date of Institution: 04/12/2020
Date of Decision: 28/01/2021

Dilbar Khan s/o Moslip Shah
Caste Mishtee Tappa Darve Khel, District Orakzai..... (Plaintiff)

VERSUS

1. **Assistant Director, NADRA District Orakzai.**
(Defendant)

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

SUMMARY JUDGEMENT:

28.01.2021

1. Brief facts of the case in hand are that the plaintiff, **Dilbar Khan s/o Muslip Shah**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendant, referred hereinabove, seeking declaration therein that his correct date of birth is **21.03.1999**, as per his school record. but the same has been wrongly mentioned as 10.0.1994 in the CNIC of the plaintiff by the defendants, which is against the facts and circumstances. 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.

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 **21.03.1999** but defendants have wrongly mentioned the same as 10.02.1994, of the plaintiff. Plaintiff in support of his contention has produced his DMC and birth certificate


issued by the Headmaster, G.M.S Dhok Shareef Siab Kohat. which are more authentic and genuine documents. 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 **21.03.1999** in its 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
28/01/2021


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

CERTIFICATE

Certified that this judgment of mine consists of **03** (three) pages, each has been checked, corrected where necessary and signed by me.


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