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IN THE COURT OF REHMAT ULLAH WAZIR,
CIVIL JUDGE-1, ORAKZAI AT BABER MELA

Civil Suit No. 139/1 of 2020
Date of Institution: 23/11/2020
Date of Decision: 28/01/2021

Muhammad Riaz & Bibi Jameela
Caste Rabia Khel Tappa Fazal Khel, District Orakzai..... (Plaintiffs)

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 plaintiffs, **Muhammad Riaz and Bibi Jameela**, have brought the instant suit for declaration, permanent and mandatory injunction against the defendant, referred hereinabove, seeking declaration therein that they are twins and their correct date of birth is **01.03.1997**, as per the matriculation certificate of plaintiff No.1, but the same has been wrongly mentioned as 01.03.1989 in the CNIC of the plaintiff No.1, while the same is mentioned as 02.02.1997 in the CNIC of plaintiff No.2 by the defendants, which are against the facts and circumstances. That defendants were repeatedly asked to correct the date of birth of plaintiffs but they refused. Hence, the instant suit.

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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 plaintiffs and representative for defendants heard and record gone through.

4. Record reveals that plaintiffs through instant suit are seeking correction of their date of birth to the effect that their correct date of birth is **01.03.1997** but defendants have wrongly mentioned the same as 01.03.1989, of the plaintiff No.1 while 02.02.1997 of the plaintiff No.2. Plaintiff No.1 in support of his

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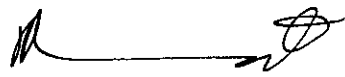
contention has produced his matriculation certificate and DMC which are more authentic and genuine documents. The available record is sufficient to decide the fate of the case and no further evidence is required to be produced by the parties.

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 plaintiffs succeeds and is hereby decreed as prayed for. Defendants are directed to correct the date of birth of plaintiffs as **01.03.1997** in their record and in the CNIC's of the plaintiffs.

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.