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

Civil Suit No. 347/1 of 2020
Date of Institution: 22/10/2020
Date of Decision: 07/01/2021

Naseem Ullah s/o Habeeb Khan

Section Feroz Khel, Sub Gherat Khel, PO Feroz Khel, Tehsil Lower & District Orakzai..... (Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA Hayatabad KP.**
3. **Assistant Director, Registration NADRA District Orakzai.**

(Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

SUMMARY JUDGEMENT:

07.01.2021

1. Plaintiff, **Naseem Ullah s/o Habeeb Khan**, 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 **20.03.2004**, while it has been wrongly mentioned as **15.01.2002** in his CNIC 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.

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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."*

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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 **20.03.2004** but defendants have wrongly mentioned the same as **15.01.2002**. Plaintiff in support of his contention produced his SSC DMC, wherein, date of birth of plaintiff has been mentioned as **20.03.2004**. Moreover, family tree of plaintiff produced by defendant shows that date of birth of brother of plaintiff namely Amanullah has been recorded as

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23.02.2002 while of plaintiff as 15.01.2002. So, the gap between the age of plaintiff and his brother is 38 days, which is unnatural. This fact alone establishes that incorporation of date of birth of plaintiff in NADRA record is contrary to the facts.

5. Further, there is no counter document available with the defendants to rebut the said DMC. Moreover, the SSC 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 there is also unnatural gape between the age of plaintiff and his brother. These facts are sufficient to decide the fate of case without recording pro and contra evidence.

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 **20.03.2004** in their record.

6. Parties are left to bear their own costs.
7. File be consigned to the record room after its necessary completion and compilation.

Announced
07/01/2021

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Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.

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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.

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