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

Civil Suit No. 42/1 of 2023
Date of Institution: 13/07/2023
Date of Decision: 26/07/2023

Hakim Badshah S/O Khial Badshah
R/O Qoam Mamozai, Tappa Meer Kalam Khel, Tehsil Upper, District Orakzai.
.....(Plaintiff)

VERSUS

1. Chairman Nadra, Islamabad
2. Director General Nadra, Peshawar
3. Assistant Director Nadra, District Orakzai.

..... (Defendants)

**SUIT FOR DECLARATION CUM PERPETUAL AND
MANDATORY INJUNCTION**

SUMMARY JUDGEMENT:
26.07.2023

1. Brief facts of the case in hand are that the plaintiff, **Hakim Badshah** has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that his correct date of birth is **01.01.1960**, while it has been wrongly mentioned as 1965 by the defendants in their record with respect to the plaintiff. Similarly, the date of birth of Son of plaintiff (Eid Janan) is 10.12.1978. Thus, there is un-natural gap of 13 years between the age of plaintiff and his son, which is liable to correction. That the defendants were repeatedly

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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 Mr. Irfan Hussain, 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 petty in nature, which can be decided through summary judgement as per relevant record. To this effect notice was given to the parties that why not the case in hand be 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-

- 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."

4. Arguments of both the parties on summary notice were heard. After keeping in consideration available record on file and arguments of the learned counsels, the court proceeded with summary proceedings in the instant case.

The plaintiff produced two witnesses and he himself appeared as a witness in his favour who recorded the statements and testified that the correct date of birth of the plaintiff is **01.01.1960.**

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6. Plaintiff himself recorded his statement as PW-1, and stated that his correct date of birth is **01.01.1960**. He further stated that there is unnatural gap of 13 years between the age of plaintiff and his son namely Eid Janan. Copy of CNICs of plaintiff and his son are Ex.PW-1/1 and Ex.PW-1/2 respectively.

7. PW-02 namely Habib Ur Rehman said in his statement that plaintiff is his father and correct date of birth of plaintiff is **01.01.1960**. He further stated that there is unnatural gap of 13 years between age of plaintiff and his son namely Eid Janan. Copy of his CNIC is Ex.PW-2/1.

8. PW-03 namely Naveed Akbar recorded his statement that plaintiff is his relative. He stated that his date of birth in CNIC of plaintiff is wrong and there is unnatural gap in age of plaintiff with his son namely Eid Janan. His CNIC is Ex.PW-3/1.

9. Nothing incriminating was recorded in cross examination of PWs.

10. Representative of NADRA appeared as DW-01. He produced family tree, which is Ex. DW-1/1. According to this document, the date of birth of plaintiff and son of plaintiff is 1965 and 10.12.1978. He placed his reliance on the said document. He


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Civil Judge/JM-I admitted the stance of the plaintiff in his cross examination.
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11. Learned counsel for plaintiff and representative for defendants heard and record gone through.

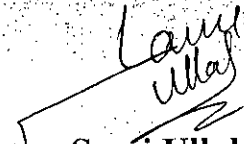
12. Record reveals that plaintiff through instant suit is seeking correction of his date of birth to the effect that his correct date of birth is **01.01.1960**, while it has been wrongly mentioned as 1965 by the defendants in their record with respect to the plaintiff. Furthermore, there is no counter document available with the defendants to rebut the document produced by the plaintiff in support of his stance. Hence, in these circumstances, the exhibited documents are admissible and reliance is placed on it and is sufficient to decide the fate of the case and no further evidence is required to be produced by the parties. So, the available record clearly establishes the claim of the plaintiff. Furthermore, there is unnatural gap in age of the plaintiff with his son.
13. 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 **01.01.1960** in their record.
14. Parties are left to bear their own costs.
15. File be consigned to the record room after its necessary completion and compilation.

Announced
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CERTIFICATE

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



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