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IN THE COURT OF SYED ABBAS BUKHARI,
CIVIL JUDGE-II, TEHSIL COURT, KALAYA, ORAKZAI

Civil Suit No. 46/1 of 2023
Date of Institution: 17.06.2023
Date of Decision: 15.08.2023

1. Tafseer Ali,
2. Sajawal Hassan,
3. Muhammad Bilal, all sons of Iqbal Khan
4. Shabnam d/o Iqbal Khan, residents of Qoum Bar Muhammad Khel, Tappa Terai, Mia Khel Mela, Tehsil Lower, District: Orakzai.

.....(Plaintiffs)

VERSUS

1. Chairman, NADRA, Islamabad.
2. Assistant Director, NADRA District Orakzai.
3. Secretary Village council, Dargai Orakzai.
4. Assistant Director Local Government District Orakzai.

.....(Defendants)

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

SUMMARY JUDGEMENT:

15.08.2023

1. Brief facts of the case in hand are that the plaintiffs, have initially filed the instant suit for declaration, permanent and mandatory injunction against the defendants no. 1 & 2, referred hereinabove, seeking declaration therein that correct dates of birth of the plaintiff no. 1 is **20.04.2011**, plaintiff no. 2 is **15.02.2012**; plaintiff no. 3 is **30.06.2017** and plaintiff no. 4 is **03.05.2018**. However later on defendants no. 1

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& 2 filed an application under Order VII Rule 11 CPC for rejection of plaint, wherein they alleged the plaintiffs have got no cause of action against them (NADRA) as they are yet not register with NADRA while plaintiffs filed an application for impleadment of defendants no. 3 & 4, being necessary parties to the instant suit. Accordingly the application for impleadment of defendants no. 3 & 4 was allowed and they were accordingly impleaded. However, the application for rejection of plaint was dismissed, despite the fact that it was held by this court that defendants no. 1 & 2 (NADRA) are not necessary party to the suit, with the observation that at later stage defendants no. 1 & 2 would attain the status of necessary party, if in case the suit in hand is decreed in favor of plaintiffs.

2. Today representative for defendants no. 3 & 4 appeared before the court and submitted his authority letter and written statement alongwith relevant record. Perusal of written statement would reveal that it has been specifically mentioned therein by defendants no. 3 & 4 that the said entries in their record were provided to them by NGO after survey of the locality and furthermore, they have got no objection if the case

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in hand is decreed in favor of plaintiffs and their respective dates of births, mentioned in the plaint, are corrected in light of school record.

3. It is also pertinent to mention here that counsel for the plaintiffs also produced School Teacher namely Rehan Ali, SCT GHS Sulaiman Khel alongwith original Admission and Withdrawal Register and requested that statement of said school teacher may kindly be recorded as CW and the relevant record may kindly be exhibited for summary disposal of the case, as parties are no more at issue. He further requested for summary disposal of the instant case.

4. In given circumstances, admittedly defendants no. 3 & 4 have got no objection if the case in hand is decreed in favor of plaintiffs. Furthermore, perusal Ex. CW-PA reveals that correct dates of birth of plaintiffs are also mentioned as **20.04.2011**, **15.02.2012**, **30.06.2017** and **03.05.2018** respectively in their school record, which also support the stance of plaintiffs. In given circumstances proceedings further with the instant suit and recording pro and contra evidence would be a futile exercise and would result in wastage of precious time of this court as well as parties to the suit. Furthermore defendant no. 01 and 02 had not denied

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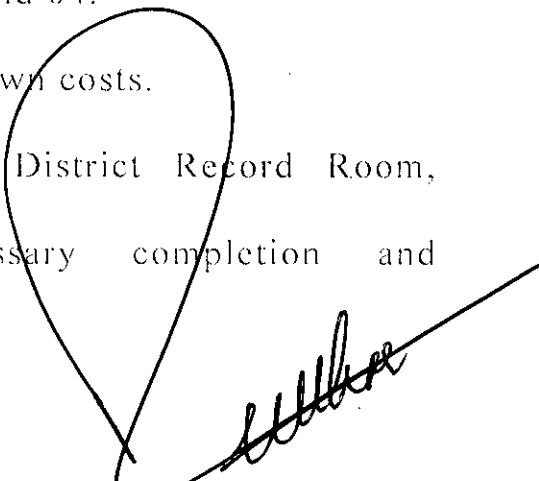
the stance of the plaintiffs regarding their correct dates of birth in their written statements rather they declared themselves as unnecessary parties to the instant suit and their this stance was also upheld by this court in order dated 05.08.2023.

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 summarily decreed as prayed for and defendants no. 03 and 04 are hereby directed to enter the correct dates of birth of plaintiffs in their record in light of the school record of plaintiffs and thereafter issue fresh birth registration certificate to the plaintiffs. Defendants no. 01 and 02 are also directed to issue Form B to plaintiffs after correction in the record of defendants no. 03 and 04.

6. Parties are left to bear their own costs.

7. File be consigned to the District Record Room, Orakzai after its necessary completion and compilation.

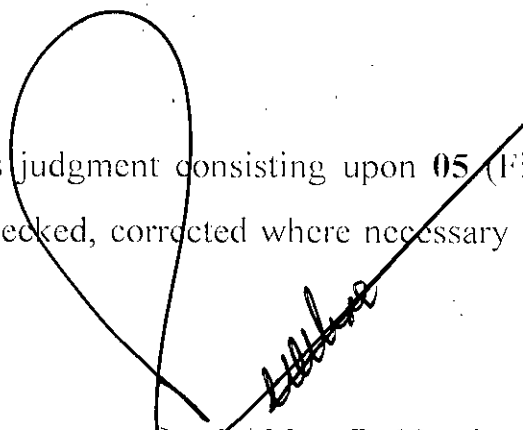
Announced
15.08.2023


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CERTIFICATE

Certified that this judgment consisting upon 05 (Five) pages, each has been checked, corrected where necessary and signed.


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