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

Civil Suit No. 362/1 of 2020  
Date of Institution: 28/11/2020  
Date of Decision: 18/02/2021

1. Sajid Ullah
2. Muhammad Ikram
3. Muhammad Ishaq
4. Muhammad Israr
5. Yasir Saeed
6. Muhammad Esa

Caste Dra Dar Mamazai, Tappa Khadeen Nawasi, P/O Ghiljo village Garhi, Tehsil Upper Orakzai & District Orakzai..... (Plaintiff)

VERSUS

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

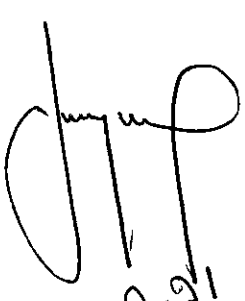
(Defendants)

**SUIT FOR DECLARATION & PERMANENT INJUNCTION**

**SUMMARY JUDGEMENT:**

**18.02.2021**

1. Plaintiffs, 1. Sajid Ullah 2. Muhammad Akram 3. Muhammad Ishaq 4. Muhammad Israr 5. Yasir Saeed 6. Muhammad Esa sons of Mehboob Khan, have brought the instant suit for declaration-cum-permanent injunction against the defendants, referred hereinabove, seeking declaration therein that correct date of birth of plaintiff No.1 is 12.12.2001, plaintiff No.2 is 01.03.2004, plaintiff No.3 is 10.02.2006, plaintiff No.4 is 10.09.2009, plaintiff No.5 is 05.04.2012 and

  
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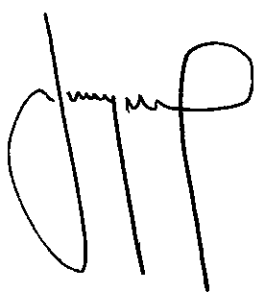
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plaintiff No.6 is **15.04.2015** which are correctly recorded in their educational record but the same have been wrongly mentioned of the plaintiff No.1 as 01.01.1999, plaintiff No.2 as 01.01.2000, plaintiff No.3 as 01.01.2002, plaintiff No.4 as 01.01.2003, plaintiff No.5 as 01.01.2005 and plaintiff No.6 as 01.01.2013 in their Form-B by the defendants, which are 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.

3. During the Discovery management and 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;*

  
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- 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 dates of birth to the effect that correct date of birth of plaintiff No.1 is **12.12.2001**, plaintiff No.2 is **01.03.2004**, plaintiff No.3 is **10.02.2006**, plaintiff No.4 is **10.09.2009**, plaintiff No.5 is **05.04.2012** and plaintiff No.6 is **15.04.2015** but defendants have wrongly mentioned the same of the plaintiff No.1 as 01.01.1999, plaintiff No.2 as 01.01.2000, plaintiff No.3 as 01.01.2002, plaintiff No.4 as 01.01.2003, plaintiff No.5 as 01.01.2005 and plaintiff No.6 as 01.01.2013 in their record. Plaintiff No.1 and 2 in support of their contention have relied on their Matric DMC and Matric certificate while plaintiff No.2 to 6 have relied on their school record produced by their relevant school record keepers on 01.02.2021. In all those concerned documents to each plaintiff, the date of birth of plaintiff No.1 is **12.12.2001**, plaintiff No.2 is **01.03.2004**, plaintiff No.3 is **10.02.2006**, plaintiff No.4 is **10.09.2009**, plaintiff No.5 is **05.04.2012** and plaintiff No.6 is **15.04.2015**. So, the educational documents support the contention of

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plaintiffs and there is no counter document available with the defendants to rebut the said documents. Similarly, the Matric DMC is maintained and issued by BISE under statutory mandate, provided under the law. Hence, in circumstances, the said DMCs of the plaintiff No.1 and 2 and school record of the plaintiff No.3 to 6 is admissible and reliance is placed on it and are sufficient to decide the fate of instant case. So, the available record clearly establishing the claim of plaintiffs.

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 dates of birth of plaintiff No.1 as **12.12.2001**, plaintiff No.2 as **01.03.2004**, plaintiff No.3 as **10.02.2006**, plaintiff No.4 as **10.09.2009**, plaintiff No.5 as **05.04.2012** and plaintiff No.6 as **15.04.2015** in their record.

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

**Announced**  
18/02/2021

  
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Senior Civil Judge,  
Orakzai at Baber Mela.

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Senior Civil Judge  
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**CERTIFICATE**

Certified that this judgment of mine consists of **05** (five) pages including this page, each has been checked, corrected where necessary and signed by me.



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

**FARMANULLAH**  
Senior Civil Judge  
Orakzai at Baber Mel.