

32

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

Civil Suit No. 265/1 of 2020  
Date of Institution: 25/02/2020  
Date of Decision: 09/04/2021

**Muhammad Shoaib s/o Ali Samand**

Section Mani Khel, Sub section Mast Ali Khel, PO Kalaya, Tehsil Lower & District Orakzai.....  
(Plaintiff)

VERSUS

**Chairman Board of Intermediate & Secondary School Education Kohat.**

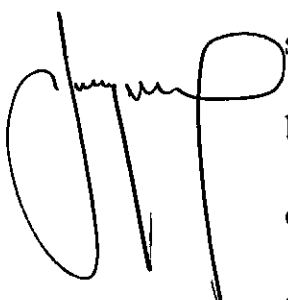
(Defendant)

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

**SUMMARY JUDGEMENT:**

**09.04.2021**

1. Plaintiff, **Muhammad Shoaib** son of **Ali Samand** has brought the instant suit for declaration-cum-permanent injunction against the defendant, referred hereinabove, seeking declaration therein that the correct date of birth of plaintiff is **19.12.1997** which has been correctly recorded in CNIC of plaintiff and as well as in school record while it has been wrongly mentioned as **12.06.1989** by defendant in his record, which is against the facts and circumstances. That defendant was repeatedly asked to correct the date of birth of plaintiff but he refused, hence, the instant suit. Defendant was summoned but initially no one appeared on behalf of defendant, hence proceeded ex-parte on 21-07-2020 but later on defendant submitted an application for setting aside ex-parte proceeding, which was accepted and ex-parte proceedings were set aside.

  
09.4.2021

**FARMANULLAH**  
Senior Civil Judge  
Orakzai at Baber Mela

3. Defendant contested the suit of plaintiff by submitting written statement, wherein, the suit of plaintiff was objected on various grounds
4. During the discovery management and scheduling conference within the meaning of order IX-A of CPC, it was revealed that the matter involves in the instant case is very petty in nature, which can be decided through summary judgement as per available 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;

*Save expense and time both of courts and litigants; and*

- c. Enforce compliance with provisions of this Code."

Learned counsel for plaintiffs and legal representative for defendant heard and record gone through.

5. Record reveals that plaintiff through instant suit is seeking correction of his date of birth to the effect that correct date of birth of plaintiff is **19.12.1997** but defendant has wrongly mentioned the same as **12.06.1989**. Plaintiff along with the plaint has annexed his secondary school certificate. The perusal of which depicts that plaintiff appeared in matric examination in March, 2010 and passed it in the same year. If the time period

between March, 2010 and 19-12-1997 is calculated then it comes 12 years and 03 months. If the date of birth of the plaintiff was 19-12-1997 then how he appeared in matric examination as a regular student in year 2010 at the age of 12 years and 03 months? It does not appeal to a common sense and prudent mind that a person as a regular student can appear and pass matric examination at the age of 12 years. So, the contention of plaintiff that his correct date of birth is 19-12-1997 is negated by his own secondary school certificate. Plaintiff in instant suit has also annexed and relied on his school leaving certificate and register for admission and withdrawal allegedly issued by the Govt; Higher Secondary School Kalaya Orakzai. Though in school leaving certificate and register for admission and withdrawal the date of birth of plaintiff is 19-12-1997 yet as per the said certificate plaintiff admitted in the school on 14-04-2009 and remained there till 12-04-2012 while as per register for admission and withdrawal, the plaintiff was admitted in the school on 08-04-2013 in class 7<sup>th</sup>. So, both the documents are in conflict with each and do not portray the same facts regarding the admission and period <sup>of</sup> ~~of~~ stay of plaintiff in the school. Similarly, it is evident from secondary school certificate of plaintiff that he passed his matric examination in year 2010 as a regular student of Govt; High School Marai Payan Kohat. So, it is an established position that plaintiff passed his matric examination from Govt; High School Maria Payan Kohat and not from Govt; Higher Secondary School Kalaya Orakzai. Being such a position, it does not appeal

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09.4.2021


**FARMANULLAH**  
Senior Civil Judge  
Orakzai at Baber Mela

to common sense that a person who has already passed his matric examination in year 2010 will get admission in class 7<sup>th</sup> in year 2013. Both the documents i.e. school leaving certificate and copy of register for admission and withdrawal annexed by the plaintiff along with plicant, on the face of it appears to be fake and bogus while plaintiff has filed the instant suit on the strength of such documents, which are self-explanatory and self-speaking. Being such position, no useful purpose would be served to proceed further and record evidence rather the available record is sufficient to decide the fate of case in hand. The available record is clearly establishing that plaintiff has filed baseless suit without any solid footing. Hence, the suit of plaintiff is dismissed with the special cost of Rs. 30,000/- (Thirty thousand).

6. File be consigned to the record room after its necessary completion and compilation.

**Announced**  
09/04/2021

**CERTIFICATE**

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

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.

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