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

Civil Suit No. 19/1 of 2021  
Date of Institution: 24/02/2021  
Date of Decision: 21/04/2021

**Mst Sakhi Marjana Bibi w/o Ghazi Muhammad**

Caste Ali Khel, Punjam, PO Ghiljo, Zanka Khel, Tehsil Upper Orakzai & District Orakzai..... (Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA KPK Peshawar.**
3. **Registration Officer, NADRA District Orakzai.**

(Defendants)

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

**SUMMARY JUDGEMENT:**

**21.04.2021**

1. Brief facts of the case in hand are that the plaintiff, **Sakhi Marjana w/o Ghazi Muhammad**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that her correct date of birth is **01.01.1965**, while it has been wrongly mentioned as 01.01.1970 in her CNIC by the defendants, which is against the facts and circumstances. That date of birth of elder son of the plaintiff is 25.07.1978 in his CNIC while date of birth of plaintiff is 01.01.1970. That the difference between the age of plaintiff and her son namely Hassan Akbar is 08 years only which is unnatural gap between the plaintiff and her son. Similarly, date of birth of 2nd and 3<sup>rd</sup>

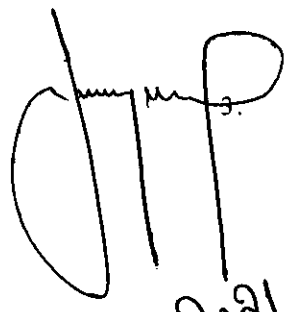
**FARMANULLAH**  
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Orakzai at Baber Mela  
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sons of the plaintiff are 1983 and 01.08.1984 in their CNICs respectively while date of birth of plaintiff is 01.01.1970. That the difference between the age of plaintiff and their 2<sup>nd</sup> and 3<sup>rd</sup> sons are 13 and 14 years only which is also unnatural gap between the plaintiff and her sons. That defendants were repeatedly asked to correct the date of birth of plaintiff but they refused. Hence, the instant suit.

2. Defendants were summoned, who appeared through attorney namely **Syed Farhat Abbas**, and submitted their written statement.

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-*

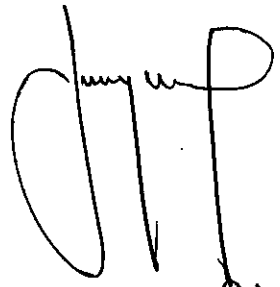
- a. *Deal with the cases justly and fairly;*
- b. *Encourage parties to alternate dispute resolution procedure if it considers appropriate;*
- c. *Save expense and time both of courts and litigants; and*
- d. *Enforce compliance with provisions of this Code."*

  
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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 her date of birth to the effect that her correct date of birth is **01.01.1965** but defendants have wrongly mentioned the same as 01.01.1970. Plaintiff in support of her contention has annexed copies of CNIC of her sons while defendants have annexed CNIC processing form and family tree of plaintiff. The perusal of family tree of plaintiff reveals that Hassan Akbar, Muhammad Yaseen, Hussain Akbar and Alam Dar are sons of plaintiff. The date of birth of Hassan Akbar as per family tree is 25.07.1978, while of Muhammad Yaseen is 1983 and Hassan Akbar is 01.08.1984, while the date of birth of plaintiff recorded in her CNIC is 01.01.1970. So, the difference between the age of plaintiff and her elder son is 08 years while <sup>with</sup> the other two sons are 13 and 14 years respectively. Such a difference in the age of plaintiff and her sons seem to be unnatural and this fact alone is sufficient to establish that the date of birth of the plaintiff has been wrongly incorporated in her CNIC. So, the available record is sufficient to decide the fate of case in hand ~~is~~ without recording evidence of parties.

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 decreed as

  
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prayed for. Defendants are directed to correct the date of birth of plaintiff as **01.01.1965** in the CNIC of the plaintiff.

6. Parties are left to bear their own costs.

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

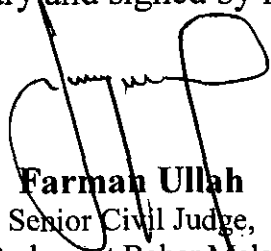
**Announced**  
21/04/2021

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

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

**CERTIFICATE**

Certified that this judgment of mine consists of **04** (four) pages, 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.