

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

Civil Suit No. 51/1 of 2021
Date of Institution: 16/03/2021
Date of Decision: 07/06/2021

1. **Aqal Hassan s/o Sawab Ali**
2. **Shahmina Jan w/o Aqal Hassan**

Both R/O Qoum Bar Muhammad Khel, Tappa Terai, Kada Bazar, Dappa,
Tehsil Lower. District Orakzai. (Plaintiffs)

VERSUS

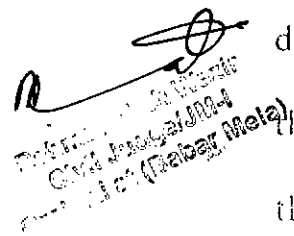
1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA KPK Peshawar.**
3. **Assistant Director, NADRA District Orakzai.**

(Defendants)

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

SUMMARY JUDGEMENT:
07.06.2021

1. Brief facts of the case in hand are that the plaintiffs, **Aqal Hassan and Shahmina Jan**, have brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that their correct date of birth is **01.01.1984**, while it has been wrongly mentioned as 01.01.1988 in their CNICs by the defendants, while the date of birth of their elder son namely **Aqeel Hassan** according to Matric DMC and Provisional Certificate, Kohat Board is 05.08.2002, thus there is an unnatural gap of 14 years approximately between the dates of birth of the plaintiffs and their elder son, which
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is wrong, ineffective upon the rights of the plaintiffs and liable to correction. That defendants were repeatedly asked to correct the date of birth of plaintiffs but they refused, hence, the instant suit. ||

2. Defendants were summoned, who appeared through their representative namely Syed Farhat Abbas, who submitted written statement, whereby only evasive denials have been made.

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 very 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."

Learned counsel for plaintiffs and representative for defendants heard and record gone through. ||

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4. Record reveals that plaintiffs through instant suit are seeking correction of their date of birth to the effect that their correct date of birth is **01.01.1984**, while it has been wrongly mentioned as 01.01.1988 in their CNICs by the defendants, while the date of birth of their elder son namely Aqeel Hassan according to Matric DMC and Provisional Certificate, Kohat Board is 05.08.2002, thus, there is an unnatural gap of 14 years approximately between the dates of birth of the plaintiffs and their elder son, which is wrong, ineffective upon the rights of the plaintiffs and liable to correction. The representative of the defendants was directed to produce the family tree of the plaintiffs, which he accordingly produced. The family tree reveals that the date of birth of the plaintiffs is 01.01.1988 while date of birth of their son according to

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 Judge
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Matric Provisional Certificate and DMC, Kohat Board is 05.08.2002, thus there is a gap of 14 years approximately between the dates of birth of the plaintiffs and their elder son, which is very unnatural. So, the family tree of the plaintiffs and the Matric Provisional Certificate and DMC, Kohat Board clearly negates the incorporation of their date of birth as 01.01.1988 in theirs CNICs. Also, the plaintiffs are increasing their age and not decreasing the same, thus, there is no apprehension of the violation of the rights of any person

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in case their suit is decreed. Further, it is claimed by the
counsel for the plaintiffs and also admitted by the
representative of the defendants in the court that keeping the
same date of birth of the plaintiffs results into the refusal of
the NADRA to their present son Aqeel Hassan to process
CNIC for him on the plea of unnatural gap with his parents.
Further, there is no countered document available with the
defendants to rebut the documents produced by the plaintiffs
in support of their stance. Hence, in these circumstances, the
said 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
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plaintiffs.

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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 date of
birth of plaintiffs as **01.01.1984** in their record and in the
CNICs of the plaintiffs.

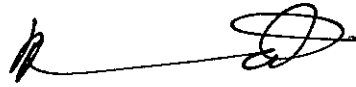
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6. Parties are left to bear their own costs.

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

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Announced

07.06.2021


(Rehmat Ullah Wazir)
Civil Judge-I,
Orakzai (at Baber Mela)

CERTIFICATE

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


(Rehmat Ullah Wazir)
Civil Judge-I,
Orakzai (at Baber Mela)

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