

25

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

Civil Suit No. 74/1 of 2021
Date of Institution 09.07.2021
Date of Decision: 21.12.2021

1. **Mst: Roshan Bibi d/o Muhammad Salim Khan**
2. **Farid Ullah s/o Muhammad Salim Khan**
Both R/O Andkhel, Tehsil Lower, District Orakzai

(Plaintiffs)

VERSUS

3. **Chairman, NADRA, Islamabad.**
4. **Director, General NADRA Khyber Pakhtunkhwa, Peshawar.**
5. **Assistant Director, NADRA District Orakzai.**

(Defendants)

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

SUMMARY JUDGEMENT:
21.12.2021

1. Brief facts of the case in hand are that the plaintiffs, **Mst: Roshan Bibi and Farid Ullah**, have brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that both the plaintiffs are twins and their correct date of birth is **05.02.2002** but the date of birth of the plaintiff No. 01 is wrongly mentioned as 27.07.2001 in her CNIC by the defendants which is wrong, ineffective upon the rights of the plaintiffs and liable to correction. That

Rehmat Ullah Wazir
Civil Judge/JM-I
Orakzai at (Babar Mela)

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.

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."

Rehmat Ullah Mazir
Civil Judge/JM-1
Orakzai at (Babar Naha)

Learned counsel for plaintiff and representative for defendants heard and record gone through.

4. Record reveals that plaintiffs through instant suit seeking declaration therein that the plaintiffs are twins and their correct date of birth is **05.02.2002**, while the date of birth of the plaintiff no. 01 is mentioned as 27.07.2001 in her CNIC

by the defendants, thus, there is an unnatural gap of 06 months approximately between the dates of birth of the plaintiff no. 01 and plaintiff no. 02, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiffs in support of their contention produced the copy of Matric DMC of Plaintiff no. 02, wherein the date of birth of the plaintiff no. 02 has been mentioned as **05.02.2002**. Thus, in the light of available record i.e DMC of the plaintiff no. 02, there is a gap of 06 months approximately between the dates of birth of the plaintiff no. 01 and plaintiff no. 02, which is very unnatural and impossible. So, the Matric DMC, of the plaintiff no. 02 clearly negate the incorporation of her date of birth as 27.07.2001 in her CNIC. Further, there is no countered

Handwritten signature
 Rehmat Ullah Wazir
 Civil Judge/JM-1
 Orakzai at (Babar Nera)

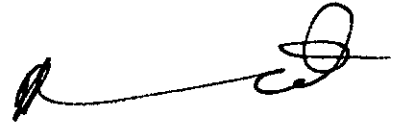
document available with the defendants to rebut the documents produced by the plaintiffs in support of their stance, which establishes that the date of birth of the plaintiff no. 01 has wrongly been mentioned in her CNIC that is against the facts and circumstances. The available record is sufficient to decide the fate of the case and no further evidence is required to be produced by the 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 plaintiffs succeeds and is hereby **decreed** as prayed for. Defendants are directed to enter the plaintiffs as twins and correct the date of birth of both the plaintiffs as **05.02.2002** in their record.

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

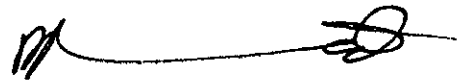
Announced
21.12.2021



(Rehmat Ullah Wazir)
Civil Judge-I,
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.



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