

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

Civil Suit No. 58/1 of 2021  
Date of Institution: 22/10/2021  
Date of Decision: 04/01/2022

**Zain Ullah s/o Delawar Khan**

Qoam Ali Khel, Tappa Jesrat Khel, PO Feroz Khel, Tehsil Upper & District Orakzai..... (Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA Hayatabad KP.**
3. **Assistant Director, Registration NADRA District Orakzai.**

(Defendants)

**SUIT FOR DECLARATION & PERMANENT INJUNCTION**

**SUMMARY JUDGEMENT:**

**04.01.2022**

1. Plaintiff, **Zain Ullah s/o Delawar Khan**, has brought the instant suit for declaration-cum-permanent injunction against the defendants, referred hereinabove, seeking declaration therein that his correct date of birth is **10.02.2003**, which has been correctly recorded in his matric DMC but defendants wrongly mentioned the same as **01.01.1998** in his CNIC, which is against the facts and circumstances. That defendants were repeatedly asked to correct the date of birth of plaintiff but they refused, hence, 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

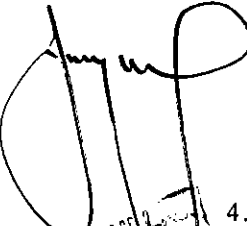
**FARMANULLAH**  
Senior Civil Judge  
Orakzai at Baber M.  
04.01.2022

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."

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

Record reveals that plaintiff through instant suit is seeking correction of his date of birth to the effect that his correct date of birth is 10.02.2003 but defendants have wrongly mentioned the same as 01.01.1998. Plaintiff in support of his contention has annexed the photocopies of his educational record. Today he also produced his original DMC of matric examination issued by BISE Peshawar and character certificate issued by Abaseen Model School, Jamrud. In both documents, the date of birth of plaintiff has been recorded as 10.02.2003. So, the educational documents supports the contention of plaintiff and there is no counter document available with the defendants to rebut the said documents.

  
FARRAN WALI  
Senior Civil Judge  
Karakzal at Baber  
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5. Moreover, the SSC DMC is maintained and issued by BISE Peshawar under statutory mandate, provided under the law. Hence, in circumstances, the said DMC is admissible and reliance is placed on it and is sufficient to decide the fate of instant case as no useful purpose would be served to proceed further and record evidence of the parties. So, the available record clearly establishing the claim of plaintiff.

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 prayed for. Defendants are directed to correct the date of birth of plaintiff as **10.02.2003** 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**  
04/01/2022

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

**CERTIFICATE**

Certified that this judgment of mine consisting of **03** (three) pages including this page, each has been checked, corrected where necessary and signed by me.

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