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IN THE COURT OF REHMAT ULLAH WAZIR,
CIVIL JUDGE-I, CAMP COURT, KALAYA, ORAKZAI

Civil Suit No. 178/1 of 2021
Date of Institution: 02/11/2021
Date of Decision: 04/02/2022

Zareef Khela W/O Fazal Janan

R/O Qaum Mishti, Tappa Darwi Khel, Chappar, Tehsil Central,
District: Orakzai.

(Plaintiff)

VERSUS

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

(Defendants)

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

SUMMARY JUDGEMENT:

04.02.2022

1. Brief facts of the case in hand are that the plaintiff, **Zareef Khela**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendant, referred hereinabove, seeking declaration therein that her correct date of birth is **01.01.1980** while it has been wrongly mentioned as 01.01.1990 in her CNIC by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction because the difference in the dates of birth of her son namely Sami Ullah and the plaintiff is 14 years, thus, there an un-natural gap between the plaintiff and her son. That the same is causing difficulties for the plaintiff as the defendants are not issuing her the CNIC. That the defendants

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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 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."*


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 **01.01.1980** while it has been wrongly mentioned as 01.01.1990 in her CNIC by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of her contention produced copies of 9th Certificate and Admission Register of

her son and the family tree of the plaintiff was produced by the representative of the defendants, wherein, there is an unnatural gap of 14 years between the plaintiff and her son. The said documents clearly negate the incorporation of her date of birth as 01.01.1990 in her CNIC. Further, there is no countered document available with the defendants to rebut the documents produced by the plaintiff in support of her contention. So, the available record clearly establishes the claim of the plaintiff.

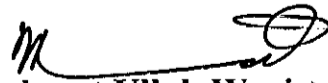
5. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct the date of birth of plaintiff as **01.01.1980** in their record and in 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
04.02.2022


(Rehmat Ullah Wazir)
Civil Judge-I,
Camp Court, Kalaya, Orakzai

CERTIFICATE

Certified that this judgment of mine consists of **03** (Three) pages, each has been checked, corrected where necessary and signed


(Rehmat Ullah Wazir)
Civil Judge-I,
Camp Court, Kalaya, Orakzai