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

Civil Suit No. 85/1 of 2021  
Date of Institution: 11/03/2021  
Date of Decision: 26/10/2021

**Fatmina Bibi W/O Muhammad Nazir**  
R/O Qoum Feroz Khel, Tappa Qimat Khel, Shana Naka, P/O Feroz  
Khel, Tehsil Lower, District Orakzai.

(Plaintiff)

**VERSUS**

1. **Chairman, NADRA, Islamabad.**
2. **Assistant Director, NADRA District Orakzai.**

(Defendants)

**SUIT FOR DECLARATION & PERMANENT INJUNCTION**

**SUMMARY JUDGEMENT:**  
**26.10.2021**

1. Brief facts of the case in hand are that the plaintiff, **Fatmina Bibi**, has brought the instant suit for declaration-cum-permanent injunction against the defendants, referred hereinabove, seeking declaration therein that her correct date of birth is **01.01.1980** while it has been wrongly mentioned as **01.01.1988** in her CNIC by the defendants, because, the date of birth of her elder son namely Muhammad Tahir, is **13.01.2000** and that there is a difference of 12 years between the plaintiff and her elder son which is un-natural, wrong, ineffective upon the rights of the plaintiff and liable to correction. That defendants were repeatedly asked to correct

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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."

Accordingly, the record keeper of the concerned school was summoned, who appeared and recorded his statement as CW-1 and produced the relevant record, with respect to the date of birth the son of the plaintiff namely Muhammad Tahir S/O Muhammad Nazir.

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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 **01.01.1980**, while it has been wrongly mentioned as 01.01.1988 in her CNIC by the defendants, because her elder son namely Muhammad Tahir is born on, 13.01.2000 and that there is a difference of 12 years between the plaintiff and her elder son which is un-natural, wrong and ineffective upon the rights of the plaintiff and liable to correction. The relevant record keeper produced the copy of the plaintiff's elder son School's Admission and Withdrawal Register as CW-1/1, wherein the date of birth of the plaintiff's elder son has been mentioned as 13.01.2000.

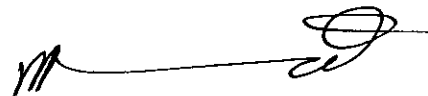
Plaintiff in support of her contention produced the copies of her CNIC and her elder son Primary School Certificate wherein the date of birth of the plaintiff's elder son has been mentioned as **13.01.2000**. So, the Primary School Certificate and enrollment register of the school, of the plaintiff's elder son clearly negates the incorporation of her date of birth as 01.01.1988 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 stance. Hence, in these circumstances, the said documents are

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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 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**  
26.10.2021



**(Rehmat Ullah Wazir)**  
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**CERTIFICATE**

Certified that this judgment consists of **04** (Four) pages, each has been checked, corrected where necessary and signed by me.



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