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

Civil Suit No. 59/1 of 2021
Date of Institution: 22/10/2021
Date of Decision: 02/12 /2021

Mst Janana w/o Muhammad Zar Khan

Caste Dara Dar Mamozai, TappaMachi Khel, Arhai Kaly, PO Ghiljo Tehsil Upper Orakzai & District Orakzai.....
(Plaintiff)

VERSUS

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

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

SUMMARY JUDGEMENT:

02.12.2021

1. Brief facts of the case in hand are that the plaintiff **Mst Janana w/o Muhammad Zar Khan**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that her correct date of birth is **01.01.1973**, while it has been wrongly mentioned as 01.01.1985 in her CNIC by the defendants, which is against the facts and circumstances. That date of birth of the son of the plaintiff is 01.01.1991 which is correctly recorded in his CNIC while date of birth of plaintiff recorded in her CNIC is 01.01.1985, so the difference between the age of plaintiff and her son namely Muhammad Khaliq is 06 years only, which is unnatural gap


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between the plaintiff and her son. That defendants 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 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 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.

(07)

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 **01.01.1973** but defendants have wrongly mentioned the same as 01.01.1985. Plaintiff in support of her contention has produced the CNIC of her elder son namely Muhammad Khaliq. The perusal of CNIC of the son of the plaintiff and family tree of plaintiff produced by defendants reflect that the date of birth of son of the plaintiff is 01-01-1991 while the date of birth of plaintiff recorded in her CNIC is 01.01.1985. So, the difference between the age of mother (plaintiff) and her son is 06 years only. Such a difference in the age of mother and her son seems to be unnatural and which establishes that the date of birth of the plaintiff has wrongly been mentioned in her CNIC. This fact alone is sufficient to decide the fate of the case and no further evidence is required to be produced by the parties.


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4. 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 **01.01.1973** in their record and in the CNIC of the plaintiff.

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

Announced
02/12/2021


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Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.

CERTIFICATE

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


FARMAN ULLAH
Senior Civil Judge
Orakzai at Baber Mela
Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.