

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

Civil Suit No. 80/1 of 2021  
Date of Institution: 22/04/2021  
Date of Decision: 08/11/2021

**Muhammad Rafiq S/O Maweez Khan**  
R/O Qoum Sheikhan, sub section Bazid Khel, District Orakzai.

(Plaintiff)

**VERSUS**

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

**Through**  
**Assistant Director, NADRA, Orakzai**

(Defendants)

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

**SUMMARY JUDGEMENT:**  
**08.11.2021**

1. Brief facts of the case in hand are that the plaintiff, **Muhammad Rafiq**, has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration there in that his correct date of birth is **01.01.1961** while it has been wrongly mentioned as 1967 in his CNIC by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction because the date of birth of his elder son namely Gul Shareef bearing CNIC No. 216038-140386-9 is 01.02.1979, thus, there is an un-natural gap of 12 years between the plaintiff and his elder son. That the same is

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causing difficulties for the plaintiff as the defendants are not issuing his CNIC. That the 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 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."

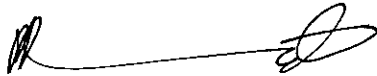
Learned counsel for plaintiff and representative for defendants heard and record gone through.

4. Record reveals that plaintiff through instant suit is seeking correction of his date of birth to the effect that his correct date of birth is **01.01.1961** while it has been wrongly mentioned as 1967 in his CNIC by the defendants, which is

wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention produced copy of CNIC of his elder son and the family tree of the plaintiff was produced by the representative of the defendants, wherein, there is an un-natural gap of 12 years between the plaintiff and his children. The said document clearly negates the incorporation of his date of birth as 1967 in his CNIC. Further, there is no countered document available with the defendants to rebut the document produced by the plaintiff in support of his 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 **01.01.1961** 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**  
**08.11.2021**

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

**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,  
Camp Court, Kalaya, Orakzai