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IN THE COURT OF REHMAT ULLAH WAZIR,
CIVIL JUDGE-I, ORAKZAI AT BABER MELA

Civil Suit No. 113 of 2021
Date of Institution: 28.08/2021
Date of Decision: 19/11/2021

Zafar Iqbal s/o Khaista Akbar

R/O Qoum Darha Darh Mamizai, Tappa Drey Plaray Mamanrhi, Ali Asghar Mela,
Tehsil Ismail Zai, District Orakzai. (Plaintiff)

VERSUS

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

(Defendants)

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

SUMMARY JUDGEMENT:

19.11.2021

1. Brief facts of the case in hand are that the plaintiff, **Zafar Iqbal**, has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that his correct date of birth is **09.02.2007**, while it has been wrongly mentioned as 30.10.2006, in his Form "B" by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. 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 their representative namely Syed Farhat Abbas, who submitted written statement.

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Orakzai at (Babar Mela)

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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."

The relevant school's recordkeeper was summoned and the one Zahid Ullah appeared as CW-01 and produced Admission and Withdrawal Register, the copy of which is Ex.CW-1/1 and that according to this, the date of birth of the plaintiff is 09.02.2007.

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

4. Record reveals that plaintiff through instant suit seeking declaration therein that his correct date of birth is **09.02.2007**, while it has been wrongly mentioned as 30.10.2006, in his Form "B" by the defendants, which is

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wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention produced the copy of Admission and Withdrawal Register, Provisional Certificate of school and Matric DMC, wherein the date of birth of the plaintiff has been mentioned as 09.02.2007, So, the Admission and Withdrawal register, Provisional Certificate of school and Matric DMC, of the plaintiff clearly negate the incorporation of his date of birth as 30.10.2006 in his Form "B". Further, there is no countered document available with the defendants to rebut the documents produced by the plaintiff in support of his stance, which establishes that the date of birth of the plaintiff has wrongly been mentioned in his Form "B" that is against the facts and circumstances. The available record is sufficient to decide the fate of the case and no further evidence is required to be produced by the parties.

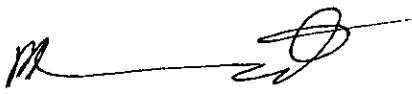
Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby **decreed** as prayed for. Defendants are directed to correct the date of birth of plaintiff as 09.02.2007 in their record of the plaintiff.

6. Parties are left to bear their own costs.

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7. File be consigned to the record room after its necessary completion and compilation.

Announced
19.11.2021


(Rehmat Ullah Wazir)
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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,
Orakzai (at Baber Mela)