

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

Civil Suit No. 167/1 of 2021
Date of Institution: 18/10/2021
Date of Decision: 21/12/2021

Muhammad S/O Abdullah

R/O Qoum Feroz Khel, Tappa Qimat Khel, Chapre, Tehsil Lower, District Orakzai. (Plaintiff)

VERSUS

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

(Defendants)

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

SUMMARY JUDGEMENT:

21.12.2021

1. Brief facts of the case in hand are that the plaintiff, **Muhammad**, 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 **01.01.1967**, while it has been wrongly mentioned as 1971 in his CNIC by the defendants while the date of birth of his elder son namely Muhammad Saeed is 1985 according to his CNIC No. 21603-6853814-1, thus, there is an unnatural gap of 14 years approximately between the dates of birth of the plaintiff and his elder son, which is wrong, ineffective upon the rights of the plaintiff and liable

Rehmat Ullah Wazir
Civil Judge/JM-I
Orakzai at (Babar Mela)

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.
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 **01.01.1967**, while it has been wrongly

Rehmat Ullah Wazir
Civil Judge/JM-I
Orakzai at (Babar Mela)

mentioned as 1971 in his CNIC by the defendants while the date of birth of his elder son namely Muhammad Saeed is 1985 according to his CNIC No. 21603-6853814-1, thus, there is an unnatural gap of 14 years approximately between the dates of birth of the plaintiff and his elder son, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. The representative of the defendants was directed to produce the family tree of the plaintiff and his elder son which he could not produce rather admitted at the bar that the gap between the plaintiff and his son is unnatural according to the registration policy of NADRA. Thus, in the light of available record i.e CNICs of the plaintiff and his elder son namely Muhammad Saeed and the admission made by the representative of the defendants, there is a gap of 14 years approximately between the dates of birth of the plaintiff and his elder son, which is very unnatural. So, the available record clearly negates the incorporation of his date of birth as 1971 in his CNIC. Further, there is no countered document available with the defendants to rebut the documents produced by the plaintiff in support of his stance. Hence, in these circumstances, the said documents are admissible and reliance is placed on it and is sufficient to decide the fate of the case and no further evidence is required

Rehmat Ullah Wazir
Civil Judge/JM-I
Orakzai at (Babar Masjid)

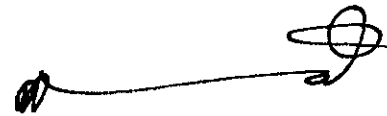
21

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 **01.01.1967** 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

21.12.2021



(Rehmat Ullah Wazir)
Civil Judge-I,
Orakzai (at Baber Mela)

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)