

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

Civil Suit No: 189/1 of 2021  
Date of Institution: 09/11/2021  
Date of Decision: 11/02/2022

1. **Awais Ali S/o Nafi Ullah Khan**
2. **Waida D/o Nafi Ullah Khan**

Both R/O Qaum Mani Khel, Tappa Ahmad Khel, P/O Kalaya, Tehsil Lower, District Orakzai.

(Plaintiffs)

VERSUS

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

(Defendants)

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

**SUMMARY JUDGEMENT:**  
**11.02.2022**

1. Brief facts of the case in hand are that the plaintiffs, **Awais Ali S/O Nafi Ullah and Waida D/O Nafi Ullah**, have brought the instant suit for declaration, permanent and mandatory injunction against the defendants, seeking declaration therein that correct dates of birth of plaintiff No. 01 is **07.12.2005**, according to Detail Marks Certificate (DMC) and Provisional School Certificate and that of plaintiff No.02 is **01.01.2007**, while it have been wrongly mentioned as **07.07.2003** and **15.06.2005** respectively in

  
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their **Forms-B** by the defendants, which are wrong, ineffective upon the rights of the plaintiffs and liable to correction. That defendants were repeatedly asked to correct the dates of birth of the plaintiffs 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 the plaintiffs and representative for the defendants heard and record gone through.

4. Record reveals that plaintiffs through instant suit is seeking correction of dates of birth to the effect that the plaintiff No.01, correct date of birth is **07.12.2005** according to Detail Marks Certificate (DMC) and Provisional School Certificate and that of plaintiff No. 02, correct date of birth is **01.01.2007** while they have been wrongly mentioned as 07.07.2003 and 15.06.2005 respectively in their Forms-B by the defendants, which are wrong, ineffective upon the right of the plaintiffs and liable to correction. Plaintiff No. 01 in support of his contention produced the copies of Detail Marks Certificate (DMC) and Matric Provisional Certificate, both issued by Kohat Board wherein the date of birth of the plaintiff No. 01 is mentioned as **07.12.2005**. So, the Matric Provisional Certificate and DMC, Kohat Board, of the plaintiff No. 01 clearly negates the incorporation of his date of birth as 07.07.2003 in his Form-B. Further, once it is established that the plaintiff No. 1 namely Awais Ali has his date of birth as 07.12.2005, then how it is possible physically and medically possible that plaintiff No. 2, might have born on 15.06.2005. Further there is no countered document available with the defendants to rebut the documents produced by the plaintiff No. 01 in support of his stance. Hence, in these circumstances, the said documents are

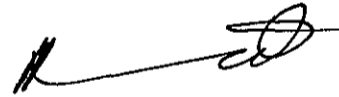
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admissible and reliance is placed on it and is sufficient to decide the fate of the case and no further evidence is required to be produced by the parties. So, the available record clearly establishes the claim of the plaintiff.

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 plaintiffs succeeds and is hereby decreed as prayed for. Defendants are directed to correct the dates of birth of plaintiff No. 01 as **07.12.2005** and plaintiff No. 02 as **01.01.2007** in their record and in the Form-B of the plaintiffs.
6. Parties are left to bear their own costs.
7. File be consigned to the record room after its necessary completion and compilation.

**Announced**

11.02.2022



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

**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