

(17) (16)
2021

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

Civil Suit No. 62/1 of 2021
Date of Institution: 27/03/2021
Date of Decision: 22/09/2021

Zabih Ullah S/O Gul Sharif
R/O Qoum Buland Kheil, Tappa Lodhiani, Tehsil Upper, District Orakzai.
(Plaintiff)

VERSUS

1. **Chairman Board of Intermediate and Secondary Education, Kohat.**
 2. **Controller of Examination, Board of Intermediate and Secondary Education Kohat.**
- (Defendants)

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

SUMMARY JUDGEMENT:
22.09.2021

1. Brief facts of the case in hand are that the plaintiff, **Zabih Ullah**, 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 **16.02.2001**, while it has been wrongly mentioned as 16.02.1998 by the defendants in their record with respect to the plaintiff while the date of birth of his father according to his CNIC No. 21604-4850947-7 is 1984 and date of birth of his mother according to her CNIC No. 21602-4828629-2 is 01.01.1985, thus, there is an unnatural gap of 13/14 years approximately between the dates of birth

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

of the plaintiff and his parents, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. 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 legal advisor namely Shaheen Muhammad advocate, 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 legal advisor 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 that his

[Signature]
 Rehamat Ullah Wazir
 Civil Judge/JM-I
 District of Bahawalpur

13/2
19

correct date of birth is **16.02.2001**, while it has been wrongly mentioned as 16.02.1998 by the defendants while the date of birth of his father according to his CNIC No. 21604-4850947-7 is 1984 and date of birth of his mother according to her CNIC No. 21602-4828629-2 is 01.01.1985, thus, there is an unnatural gap of 13/14 years approximately between the dates of birth of the plaintiff and his parents, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. The plaintiff was directed to produce original CNICs of his parents which he accordingly produced. The CNICs of his parents reveal that the date of birth of his father is 1984 while that of his mother is 01.01.1985, thus, there is only a gap of 13/14 years in the age of the plaintiff and his parents, which is very unnatural and impossible. So, the CNICs of the parents of the plaintiff clearly negate the incorporation of the date of birth of the plaintiff as 16.02.1998 in the record with the defendants. 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


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

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 **16.02.2001** in their record.
6. Parties are left to bear their own costs.
7. File be consigned to the record room after its necessary completion and compilation.

Announced


22.09.2021



(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)